

**The Archaeology of UVic Campus Lands:
Development & Cultural Heritage Management**

by

Jonáš Kobrč

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Abstract

Since the recognition of archaeology as a formal discipline in British Columbia, the management and protection of Indigenous archaeological and cultural heritage have been a central aspect of any associated practice, whether academic or professional (in the form of cultural resource management, i.e., CRM). Despite this focus, and BC's reputation as a leader in heritage legislation, the regulatory system established by the province has been characterized by repeated structural and ethical failures. The system in place has not only failed to recognize Indigenous peoples as stakeholders in their own traditions and culture, and has fallen short in protecting important village and ancestral sites, but in general, an inability to adhere to Indigenous laws, systems of values and international agreements (e.g. UNDRIP). This thesis examines the destruction of archaeological site DcRt-32 within the broader socio-political landscapes of archaeological practice and heritage management throughout BC's history. Examining the history of this site through ethnographic accounts provided by UVic Anthropology Department faculty members, archival research, critical analysis of heritage legislation and scholarly literature, this study aims to reconstruct the circumstances surrounding DcRt-32's destruction in 1964. By contextualizing these events through the lenses of heritage management, BC's evolving systems of archaeological legislation, and a decolonial approach to archaeological practice centered on recognition of Indigenous cultural landscapes and governance, this research posits that the loss of this site was not isolated event, but rather the predictable outcome of a regulatory system built by colonial forces that have long marginalized Indigenous archaeological heritage in the province.

Keywords: Archaeology, Indigenous Heritage Management, Archival Documentation, Institutional Memory, the Heritage Conservation Act

Land Acknowledgement

I acknowledge and respect the Lək'wəḡən (Songhees and X^wsepsəm/Esquimalt) Peoples on whose territory the university stands, and the Lək'wəḡən and W̱SÁNEĆ Peoples whose historical relationships with the land continue to this day. These historic relationships are often misunderstood by non-Indigenous people as being apart culturally or even genetically from living Indigenous peoples. Interpretations like these are evidently wrong and have often been centered in moral justifications of the dispossession of important Indigenous village, burial, and cultural sites. I acknowledge that these sites, whether recorded and designated by the province or not, represent an interconnected whole that lives on through living Indigenous Peoples. While the lack of contact made with Songhees Nation can be considered a limitation of this research, I hope that this work can nonetheless aid in laying the foundation for a positive and collaborative relationship between the Songhees and the university in future heritage management and protection efforts on campus.

Reflexivity Statement

In positioning myself within this work, I acknowledge that I am not Indigenous. I am of Czech descent on both sides of my family, however I was born, raised, educated, and continue to live here in the unceded territories of the W̱SÁNEĆ and Lək̓ʷəŋən (Songhees and X̱wəpsəm/Esquimalt) peoples. I had never perceived myself as a settler or guest in these lands until I began studying Anthropology and Archaeology at UVic. Through my academic training, and mainly through assigned literature, I have learned about Indigenous perspectives on heritage management in BC and more broadly in Canada. These perspectives have revealed that archaeology is a practice with the potential for both positive and negative social impact.

As an aspiring archaeologist, I believe that archaeologists' voices are ever important in the conversations surrounding heritage management. But in saying that, I recognize that many of the failures of the government in protecting cultural heritage are shared by the archaeologists who were involved. I hope that this thesis, and others like it, can serve to inform and support future collaboration between UVic and local Nations whether in cultural resource management or archaeological research. Importantly, this thesis aims to critically reflect on the University of Victoria's track record of managing Indigenous cultural heritage and conversations like these are imperative in being able to collectively, as academics within an institution, learn from our past failures.

1. Introduction

Archaeologists, Indigenous communities and members of the public alike are familiar with the major shortfalls of British Columbia's heritage legislation system and specific instances where it has failed to protect Indigenous cultural and archaeological sites from development. These include highly public events like the construction of Craig Bay Estates in Nanoose Bay, Channel Ridge and Grace Islet on Saltspring Island, Poet's Cove on Pender Island, Bear Mountain Resort in Greater Victoria among many others (Anglebeck 2007; Bryce 2008; Bannister & Nicholas 2015). In these well-known examples, the provincial government, in prioritizing the needs of developers, allowed the dispossession and eventual destruction of Indigenous cultural heritage. In addition to these highly publicised cases, there are dozens more that are never mentioned, heard of, or known about. This thesis aims to shed light on one such case, the destruction of archaeological site DcRt-32 which was effectively bulldozed in the early days of University of Victoria (UVic) campus development in 1964.

The only details of the site recorded in BC's Remote Access to Archaeological Data (RAAD), are that it was a cultural shell deposit, measuring 30 by 75 feet and that it was destroyed by the construction of some of the university's earlier buildings¹. While not surveyed to the standards of archaeological documentation we may expect, we know from the records that the site is "approximately 500 ft. N.E of the Science (now Elliot) Building." By overlaying a historic airphoto of the university under construction into Google Earth and using the drawing tool to measure bearing and distance, the site was determined to be located approximately near Parking Lot C at UVic today. While not listed on the BC Archaeology Branch site form, 15 lithic belongings were collected from this site and deposited at the Royal BC Museum², where they are now stored and labeled with Borden number DcRt-32. The fact

¹ See Figure 1 in Appendix B for the DcRt-32's pre-digitized site survey form

² More detailed records were not made available in the time of this thesis, but the basic catalogue is publicly available on the RBCM website: <https://collections.royalbcmuseum.bc.ca/>

that the site was destroyed means that it is listed as a legacy site in RAAD. With this designation, the site is afforded no protection under the HCA, and this means that no preliminary investigations of the site need to occur before any future development.

Focusing on this site, this thesis aims to convey the history of archaeological and cultural heritage management on UVic campus. Using scant oral institutional memories and archival records that remain, it aims to tell the story of this site and to unearth any details, archaeological and otherwise, that can be gleaned from these sources. This thesis will detail these circumstances within the context of the development of UVic in its early days with regard to obligations in terms of policy, ethics, and compliance to BC heritage law.

With this in mind, the central objectives of this thesis are: (1) determining how UVic's priorities and ethics have developed and changed with respect to archaeology, relationships with Indigenous Nations and provincial heritage law; (2) determining what insights into past, present, and future relations of local Indigenous peoples to the campus lands could be understood through close examination of the archaeological and ethnographic circumstances surrounding DcRt-32; (3) ascertaining the critical aspects of provincial heritage law and university policy in ensuring the security of any new archaeological or cultural sites unearthed on UVic campus; and (4) and evaluating how UVic's policy guidelines can shift to avoid a repeat of what occurred to DcRt-32 in 1964. The relatively short time frame of an honours thesis project and the very limited archival and other information related to site DcRt-32 were major challenges to this project. Despite these limitations, each of these questions were able to be addressed, and I was able to make recommendations for the future.

The importance of this research lies in: (1) Its critical reflection on *both* the relationship and intersection between UVic, archaeology, and heritage law, institutional transparency and accountability, *and* the history of UVic as a government-sponsored institution; (2) Its possibility to guide or inform future university practice and policy in

collaborating with Indigenous Nations and in managing Indigenous cultural heritage on campus lands; and (3), its recognition of the Indigenous cultural landscape of UVic campus and its surroundings as being interconnected and interrelated with living Indigenous peoples rather than as a collection of discrete archaeological sites. Discussions of this nature are integral to the progression of Truth and Reconciliation. Academic institutions like UVic must endeavour to remain at the forefront of these conversations.

This thesis argues that the destruction of DcRt-32 was not an isolated loss, but rather the predictable outcome of a colonial heritage governance system that has often prioritized development goals over the rights of Indigenous Peoples. While UVic's policies and practices have changed alongside broader shifts in heritage legislation and public opinion, meaningful reform requires more than just compliance with the Heritage Conservation Act. It calls for a proactive collaboration between the university and local Indigenous Nations as well as a recognition of campus lands not as an empty space on which a university was constructed, but as part of an interconnected Indigenous cultural landscape. It also strongly recommends that in so doing, the university publicly commemorates the site in collaboration with present day Ləkʷəŋən communities. This would elevate the profile of Indigenous heritage on campus as something that is recognized as ever-present yet representative of relationships to the landscape that have endured 'since time immemorial'.

The thesis's sections will proceed as follows. The following (second) section will review relevant literature covering the history of heritage management in BC, and shifting policies, ethics, opinions and norms that have brought the legislation to where it is today. It will also explore how that history and trajectory has impacted Indigenous cultural sites. The third section will cover the methodology of this research, from sources of data, to how these data were analyzed. The fourth section will reveal what information could be extrapolated from these sources. The fifth will discuss how these revelations serve to address my original

research objectives. Subsequently, the sixth section will highlight the strengths and limitations of this work and finally, the seventh will conclude and summarize this research's findings.

2. Literature Review

2.1 History of Archaeological Regulation in BC

Throughout the history of British Columbia, archaeology has risen from a practice dominated by amateurs with little support from the provincial and federal governments, to a tool used in the intricate systems devised to protect cultural heritage from destruction incurred by unmitigated development. In this review, I will briefly outline the practice of archaeology as a means of heritage conservation, its history, and how it fits into BC's contemporary political climate, using these aspects to contextualize the conservation of archaeological heritage at UVic. Understanding this is critical to my objective of understanding the changing legal and ethical dimensions surrounding archaeological practice on UVic campus lands, and key to making sense of the University's destruction of its only registered archaeological site, DcRt-32, in 1964.

Pacific Northwest Coast archaeologists like Brian Apland (1992, 1993) and Michael Klassen (2008) have traced the history of archaeological heritage protection as a function of the BC provincial government back to the adoption of the Archaeological and Historic Sites Protection Act (AHSPA) in 1960. At this time, archaeological pioneers Wilson Duff and Charles Borden took interest in sites threatened by major development projects, wanting to ensure their protection and keep amateur archaeologists away (Apland 1992). Prior to this, heritage protection was governed by the Indian Graves Ordinance (1865) and the Historic

Objects Preservation Act (HOPA) which suffered from relatively weaker enforcement and increased legal ambiguity in contrast with its successors.

The AHSPA was adopted (via unanimous vote) in 1960, importantly making it the legislation in place when DcRt-32 was destroyed at UVic. Notably, to “knowingly destroy, deface, or otherwise alter, excavate or dig in any Indian kitchen-midden, shell-heap, house-pit, cave or other habitation site,” (as well as many other site types, artefacts and rock art; AHSPA 1960, s. 5) was an infringement of the Act punishable by up to a \$500 fine and six months imprisonment (s. 9). This penalty was only administered once in 1970, where the perpetrator ultimately was only fined \$300. While the intent of this legislation was not misplaced, it unfortunately did not have the teeth to effectively protect Indigenous heritage. Another major problem with the AHSPA was its lack of automatic protection, with sites needing to be designated by “the member of the Executive Council charged for the time being with the administration of this Act.” (AHSPA 1960, s. 2) Additionally, the word ‘knowingly’ was repeated frequently throughout the Act, meaning that even if designated sites were damaged, proven knowledge and ill-intent would be required for a conviction.

The AHSPA laid the groundwork for the eventual adoption of the Heritage Conservation Act (HCA) in 1977, the same law we use in BC today. Since then, the province has founded the Archaeology Branch (1988), developed a provincial permitting system, and made amendments to the HCA. These changes, particularly seen in the 1990s, were driven by Indigenous working groups and public initiatives such as Project Pride, which sought public input on heritage reform (Klassen 2008). These initiatives resemble more recent efforts such as the now paused Heritage Conservation Act Transformation Project (HCATP) which also sought public opinion on heritage protection law reform in 2025.

2.2 Contemporary Heritage Management in BC

While the HCA has often been praised as being at the forefront of heritage legislation, it is far from perfect; and several archaeologists, Indigenous peoples, and notable cases alike have underscored its many shortcomings.

Michael Klassen (2008) identifies some key concerns voiced by Indigenous peoples with the current provincial heritage legislation. Fundamentally, concerns are related to the HCA's limited range of protection covering only a specific range of archaeological site types pre-dating 1846, the broad lack of recognition and protection of intangible heritage and cultural landscapes, its refusal to address ownership and title with respect to Indigenous heritage (particularly ancestral remains), its silence on the matter of the illicit artefact trade, and Indigenous Nations' lack of decision making powers. There are further problems with the act's implementation, including its inadequate integration with the provincial consultation system, unwillingness by the province to enter in s. 4 agreements (a clause allowing Nations to enter agreements with the province wherein the Nation takes up stewardship of specific heritage protection efforts), uneven implementation of the act across different regions and sectors, lack of "compliance monitoring," and weak legal enforcement (Klassen 2008). These issues can significantly undermine the ability of the HCA to effectively protect heritage in practice.

Bannister and Nicholas (2015) further critique the contemporary heritage and archaeology climate by highlighting the juxtaposition of Indigenous values and Western legal frameworks. Drawing on the case of Grace Islet, they illustrate how ancestral burial grounds are routinely misidentified as archaeological sites rather than burial grounds, cemeteries or cultural landscapes. This misclassification, it turns out, reflects a broader misunderstanding on the part of our legal system of Indigenous values, often resulting in inequitable heritage outcomes (Pokotylo & Mason 2008). In response to this situation, Bannister and Nicholas

(2015) call for a review of heritage laws, policies and practices that move beyond consultation toward collaborative approaches in which Indigenous communities hold meaningful authority over decisions affecting their heritage. Such an approach, they argue, would help prevent the continued destruction of culturally significant places.

Nicholas (2006) further situates the legislative shortcomings of the HCA within a broader political and ethical context, arguing that archaeology in BC remains embedded in colonial systems of governance and knowledge dissemination. The author outlines how both academic and consulting archaeologists navigate provincial legislation through Archaeological Impact Assessments (AIAs), Archaeological Overview Assessments (AOAs), and Traditional Use Studies (TUSs), but often prioritize checking a legal box over ethical responsibility. Nicholas emphasizes that archaeology should not be reduced to a mere step within development, but should instead recognize the living Indigenous communities it seeks to represent with archaeological materials, prioritizing Indigenous-led research, education, and institutional accountability

The HCA's weak legal backbone is an issue that arises in several of the most controversial archaeological cases in BC. Whether the most famous and heavily studied site in the province, or a chance find made during a large-scale project, no site-type is really safe from the act's shortcomings. In the case of DcRt-32, now being a legacy site, it is afforded absolutely no protection for the provincial government. Being a legacy site means that DcRt-32 and its associated archaeological material is either 100% collected or destroyed. This also means that today no permit would be required to disturb the site (because it is considered to no longer be there). One much more widely discussed example of the HCA's lack of power is that of *čəsnaʔəm*, a 4,000 year old Musqueam village also known as the Marpole Midden.

Susan Roy's (2006) analysis of ʔəsnaʔəm examines how archaeology has been implicated in colonial dispossession through both practice and interpretation. Roy traces the earliest investigations of the site by Charles Hill-Tout and Charles Borden, noting that although their research goals differed, both framed their objectives and results in ways that both intentionally and unintentionally distanced contemporary Musqueam people from their ancestors and ancestral sites. Roy argues that these interpretations contributed to the challenges Musqueam Nation faced regarding its land claims and its desire to protect the site. Crucially, ʔəsna:m was persistently classified as an archaeological site, instead of a village or burial ground, a categorization that enabled and to some extent justified the site's continued destruction, despite widespread and public knowledge of its significance. This example also further highlights legal weaknesses of the HCA, with alteration permits, as pointed out by Eric McLay (2011), allowing little by little the legal destruction of sites. While portions of the site are now under Musqueam ownership, the extensive loss of culturally significant material at Marpole illustrates the limitations of the HCA, particularly when Indigenous authority or autonomy is marginalized.

Cheryl Bryce's (2008) discussion of the construction of Bear Mountain resort in *The Midden* reveals similar tensions between development interests and Indigenous values. Bryce criticizes the lack of respect shown towards Indigenous customs and emphasizes that sacred landscapes cannot be meaningfully preserved through documentation alone. She questions who should hold the decision-making power over such important places and highlights the colonial origins of the HCA as a central barrier to equitable heritage protection. Once again illustrating the potential damage of excluding Indigenous voices from the table, a cave of sacred importance was destroyed.

McLay (2007) raises additional concerns regarding the unresolved issue of ownership of archaeological heritage, particularly for Indigenous heritage located on private land. With

so many cases of lost heritage, McLay further argues that the government needs to act to reform legislation quickly before more heritage is irreversibly lost, equally erasing any new opportunities for public archaeological education. These issues are further contextualized by McLay *et al.* (2008), who examine Hul'qumi'num heritage laws and values through community-based research. The authors emphasize the palpable harm caused by treating ancestral burials as archaeological resources rather than cemeteries and sacred places, calling for terminological and practical reform that reflects Indigenous legal traditions. While focused on Hul'qumi'num territory, these concerns are directly applicable to the University of Victoria, which lies on the unceded territories of the Lək'wəḡən (Songhees and X̱wəpsəm/Esquimalt) and W̱SÁNEĆ peoples. Shell middens, including inland middens such as DcRt-32, may (have) contain(ed) ancestral remains and must therefore be approached with care grounded in local Indigenous values.

Unfortunately, the federal government has been slow and arguably entirely absent in filling the legislative and protective gaps left by the current HCA. As addressed by archaeologists David Pokotylo & Andrew Mason (2010), and Bruce Ziff & Melody Hope (2009), presently, no federal statute exists to protect cultural and archaeological resources. The only things resembling federal protection (i.e. protection on federal or reserve land) for archaeological resources are the Indian Act and section 35 of the constitution, which limit the federal government's ability to infringe on Indigenous peoples' rights, bound by "the Honour of the Crown." This is despite Canada's signature to international agreements like UNDRIP, and countless, increasing demands from Indigenous Nations & archaeological professionals to see federal legislation be drafted. As Ziff & Hope (2009) point out, this results in a patchwork of mechanisms set out by different governing authorities at the municipal, provincial and federal level and by First Nations themselves across Canada that often

inequitably protect heritage sites and come into conflict with one another, placing the most vulnerable sites at risk.

With the very recent decision of the provincial government to pause the Heritage Conservation Act Transformation Project, and as sensational news stories circulate that seek to fuel the fears that many British Columbians have over the speed of their construction projects and the legal status of their fee-simple property, the future of archaeological legislation in BC is uncertain (Depner 2026, Thom 2026). This situation accentuates the need for public institutions like UVic to reckon with their historic treatment, particularly, of Indigenous cultural heritage. The histories and current climates surrounding archaeology and its perception in BC are only one part of the process of determining how UVic's priorities and ethics have evolved with respect to development, archaeology, provincial heritage law and relationships with Indigenous Nations. This review demonstrates that the destruction of DcRt-32 in 1964 was not an isolated incident, but rather the predictable outcome of the structural and ethical failures that have shaped and continue to shape heritage management and archaeology in BC today. Perhaps even more telling of these failures are the otherwise undocumented sites and poor management of archaeological potential on university campus lands³.

3. Methods

3.1 Materials and Data

A typical archaeological investigation involves excavation, rigorous sampling and testing of materials. In the case of DcRt-32, archival records and air photos strongly suggest that the site was destroyed. However, a proper archaeological assessment with subsurface testing would be required to confirm this conclusion. Not only would such an approach have

³ See Appendix A, Map 6

been impractical in this time frame, but is impossible under the current regulatory framework. I attempted to retrieve some data and the original documentation for the site (including the original site record form, any other associated communications as well as the details of the artefact catalogue and photographs of the objects) from the Royal BC Museum, but was ultimately unable to get access.

One of the initial objectives of this research was to interview both current and past employees of the university which requires ethical approval from the UVic human research ethics board (HREB). Despite our best efforts at getting ethics approval through the Office of Research Services, the inconclusive review of our ethics application was a major setback. Therefore, this research relied on a mixed-method, inductive, and qualitative approach, combining archival documentation, and informal conversations with professors who pointed out things they noticed over the years that they themselves did not have the time to document. Even without direct access to archaeological collection and primary-source site forms and data, sufficient information was available through archival and oral history records to discuss the archaeology of campus lands.

3.2 Conceptual framework

This thesis takes a critical and reflexive perspective towards cultural resource management in the context of a colonial institution, the University of Victoria in this case. This research views archaeology not as a neutral research endeavour, but as a practice with social and political impact, especially in a place that exists within unceded Indigenous territories like UVic. The critical aspect of my thesis comes from a recognition of the fact that BC's existing legal framework tasked with the protection of archaeological heritage in this province is inadequate, both in its ability to protect and adhere to Indigenous laws and values. The reflexivity of this project lies both in the recognition of UVic as a colonial institution,

whose policies and regulatory frameworks are likely closely in line with the province, and in the recognition of myself as a non-Indigenous person practicing archaeology within a space historically, traditionally, and contemporarily occupied by Indigenous people and culture.

4. Results

4.1 Archival Documentation

Within the UVic library archive, for the purposes of this research, little information could be surmised regarding site DcRt-32 itself or the decision-making process around early campus development. The only useful item of information within this archive explicitly mentioning the site was an exhibit entitled “A History of the Gordon Head Campus from 11,000 BC to 1970” by Claire Heffernan. While this slide show only mentioned DcRt-32 briefly in the context of its destruction and possible location, it represents an early example of academic work highlighting the effects of land development and the presence of Indigenous cultures and histories across the landscape of UVic and more broadly Gordon Head. Examples of these lasting effects cited by Heffernan (1992) include modified Gary Oak ecosystems, and shell middens. Both of which can be strong evidence of sustained managed Indigenous habitation of a location. This work also reveals the likely state of the landscape before and at European contact. It includes mentions by early colonial settlers in the region of massive Douglas Fir old growth (see Appendix A, Map 4) and many ultimately found the area ideal for agriculture. These aspects will be expanded on in the next subsection.

Based on her research, Heffernan (1992) indirectly associates DcRt-32 with the Čeq^wəŋín family who inhabited Sŋéqə, the large village that existed in what is now called Cadboro Bay. Recognizing the land’s connection to this history is something UVic has aimed

to accomplish through the naming of its two newest residence buildings for the aforementioned family and village respectively.

4.2 Institutional Oral Memory

For the sake of this research, I was fortunate to be able to informally speak with some of the university's longest working academic archaeologists, Dr. Quentin Mackie and Dr. Darcy Mathews. Their perspectives widened my understanding of the significance of sites like DcRt-32, its existence as an inland shell midden and its significance within the broader cultural landscape of what is now called Cadboro Bay and Gordon Head.

Dr Quentin Mackie

Dr. Mackie possessed no direct knowledge of DcRt-32. While not entirely sure of the specific details, he did recall that lithic remains (mostly unifacial stone belongings like choppers) had been observed and recovered from UVic campus lands. This recollection, while not represented by DcRt-32's site form at the BC Archaeology Branch, lines up with the existence of lithic belongings from DcRt-32 at the RBCM. Dr. Mackie explained how he used the mention of these sites as a means of grounding classes that he had taught at UVic. He also addressed the significance of inland shell midden sites, citing DcRt-32 as not a particularly unexpected locale for such a site. This much rarer form of cultural shell deposit than the typical coastal midden can also have temporal associations.

DcRt-32 lay in close proximity to what was at one point a large village, Sḡéqə. The area around the village would have also been a space of active use, where there would have been dozens more creeks than today, culturally modified old growth trees, wetlands, and complexes of ancestral burials.

Dr. Mackie also recalled a time during which some loads of cultural shell deposits were trucked to the university from another local village site in the Cadboro Bay area. The

campus lands were at one point seen as a kind of appropriate secondary dumping ground for unwanted archaeological soils from nearby private land developments. Complicit with this, (though likely not in agreement with them having been disturbed in the first place) UVic anthropology department faculty and students used the piles at the to test the efficacy of different screening techniques.

We talked about UVic's strengths in managing Indigenous cultural heritage in his memory. While maintaining that countless individuals and faculty members contributed to positive collaboration between the university and local Indigenous Nations with regard to archaeology and Indigenous heritage, Dr. Mackie couldn't recall any major institutional policy changes. In his estimation, many of the positive policy and practice shifts that did happen, likely occurred as a result of social movements.

Dr. Darcy Mathews

Dr. Mathews expressed through the lens of his own work in Rocky Point, BC, the importance of "working with the community to listen to what their priorities and values are," but also the importance of recognizing contemporary landscapes including UVic as "interrelated and interconnected wholes." These systems were composed of Gary oak meadows, wetlands, and old-growth forests where Indigenous communities hunted, lived, and laid their dead to rest.

Dr. Mathews explained the difference in values ascribed to individual sites like DcRt-32. While Western frameworks might see the lithics found near the site as simply discarded tools on a landform, an Indigenous point of view may better understand the usage of these tools, and the practices and traditions associated with them through other aspects of the land. He characterizes this incongruity as a fundamental issue of heritage management, stating that until Western archaeologists and non-Indigenous people are able to shift their

understandings of these spatial and temporal relationships, we would “continue to exist in this contested space.”

After our conversation, I had the opportunity to take a short, informal walk with Dr. Mathews through some of the less-developed parts of the UVic campus. Many of these parts are dominated by second- and third-growth vegetation that no longer bears a strong resemblance to the modified landscapes like Gary Oak meadows, that may have been recognizable at the point of European settlement in the region. However, we did still notice some markers of a culturally modified landscape. One of these was a large Douglas Fir that appeared to have been previously bark stripped and the other was Pacific Yew tree. According to Dr. Mathews, these would have been commonly harvested near large villages like Snejqə. The Fir bark for efficient and hot-burning fuel, and the Yew wood for strong, elastic wood and medicinal properties.

These observations support the idea that DcRt-32 represented a small part of a much larger integrated system of landscape management. Both conversations revealed the fertility of the anthrosols created by these processes. Dr. Mackie recounted instances of people using cultural soils (like the shell deposits found in ‘middens’) to pot their personal plants and Dr. Mathews pointed to the usage of many of UVic’s acres and surroundings for farming throughout recent history. While likely not realizing it, early settling farmers in the region had the benefit of growing their crops in soils that had been managed and kept healthy for thousands of years by local Indigenous Peoples who stewarded the landscape through practices like selective harvesting and controlled burning.

5. Discussion

The archival record and institutional memories examined in this research reveal little about the material specifics of DcRt-32. However, this absence of information is in of itself revealing. Rather than perhaps exposing a single instance of administrative negligence, the evidence reinforces the notion that DcRt-32 was destroyed as a result of a heritage management system that too easily morally justifies the loss of Indigenous cultural heritage.

5.1 Shifting Institutional Priorities

With respect to my first objective (determining how UVic's priorities have shifted), the evidence suggests that the university has largely moved in tandem with prevailing norms. In 1964, shortly after the adoption of the AHSPA, heritage protection was in its developing stages and enforcement was extremely limited. There was no evidence of deliberate malice in the hapless way the site was destroyed, as it is understandable that public understanding of the significance of inland shell deposits was likely minimal. On the other hand, there was also no evidence of meaningful engagement with local Indigenous Nations in ensuring the protection of archaeological sites on campus. This for the time was unfortunately not an abnormal outcome.

Since then, UVic's public commitment to respecting Indigenous values and governance has drastically improved through Truth and Reconciliation, Territorial Acknowledgements, building-naming initiatives, and strategic planning documents. Yet, these shifts appear to have largely been in reaction to provincial trends rather than in anticipation of them. Notably, these policy shifts rarely include explicit commitments to the proactive protection and stewardship of archaeological and Indigenous cultural heritage on campus lands

5.2 DcRt-32 Within a Cultural Landscape

In regard to my second objective, examining the broader cultural landscape of UVic reframes DcRt-32's significance. Conversations with Drs. Mackie and Mathews highlight the fact that inland cultural deposits of shell and ash (often called middens), are not anomalous points in the archaeological record, but representative components of integrated systems of land stewardship that in many ways persist to this day. The fertility of the anthrosols created by shell depositions and other forms of land use demonstrates long-term management that even benefited later settlers is one example.

Whether DcRt-32 functioned as a camp, processing site, or settlement, recognizing it as such is less important than recognizing it as part of a relational system tied to Sḡéqə, and by extension to Ləkʷəŋən and W̱SÁNEĆ histories. In this light, the site's destruction is less a loss of individual heritage or knowledge, but of evidence of a broad and sustained system of management whose broader effect on the landscape and ecosystem is often misunderstood.

5.3 Heritage Protection Today and in the Future

Under the current Heritage Conservation Act, the reform of which has now been indefinitely paused, BC remains in a system where developmental goals often have trumped the wishes of Indigenous Nations, where village sites and belongings post-dating 1846 lack any protection from any level of government, and where ancestral burials are classified as archaeological sites, often leaving them open to disturbance and destruction. Despite countless site disturbances, the HCA has repeatedly failed to hold anyone accountable. Recent controversies including the Cowichan Supreme Court Decision in BC, and instances of high and even unrealistic costs being incurred by property-owners who had no prior knowledge of archaeological sites on the land they had purchased have fueled discontent among certain members of the public. Misinformation surrounding this decision has risen and

increased its controversy, but leaders of several Indigenous Nations and levels of government in BC have maintained that private property is not at stake in this case. Nevertheless, this decision and the ensuing politics have resulted in a climate where archaeology has come to represent something entirely different than what it meant in the 1960s. At the time DcRt-32 was destroyed, archaeology was not only a popular hobby among early artefact collectors that looted archaeological sites across the province, but a scientific research endeavour supported by high levels of funding, wide public, and unanimous political support that continued into the 1970s (Fladmark 1980).

Today, many have begun to recognize the unceded territories of the Indigenous Nations that have inhabited these lands for several millennia. Some, however, see the adoption of international agreements (such as DRIPA and UNDRIP), and recognition of intangible aspects of cultural heritage (e.g., cultural landscapes) as a threat.

In these uncertain times of political division and misunderstanding, and if UVic is serious about preventing the conditions that led to DcRt-32's destruction, necessary actions include more than simply adhering to provincial heritage law. Given the responsibility of academic institutions in setting a positive social example, UVic may consider a number of policy and practical shifts like establishing Indigenous-led institutional roles in the protection of Indigenous cultural heritage on campus. Entering into a Section 4 agreement under the HCA to formalize these roles under the provincial framework and requiring archaeological surveys for all ground-breaking projects on campus would be significant steps in the right direction. Such measures would position UVic as a proactive land steward rather than simply being reactive to legislative pressure or scrutiny.

In proactively raising awareness of the archaeological potential on campus as well as of the university's destruction of DcRt-32, I recommend UVic publicly commemorate the site in collaboration with local Indigenous Nations. This could be something as simple as a

plaque or something larger and more elaborate like perhaps a colourful, spatial representation of the site painted onto the concrete of Parking lot C where it was likely located. Regardless of what form this commemoration comes in, it would importantly recognize the deeper history of the land on which the university now stands, as well as the Indigenous peoples who shaped this history. Cases like DcRt-32 may be unique as far as the management of Indigenous cultural heritage goes on university campuses. However, such institutions have the responsibility of demonstrating responsible land stewardship, that consults adequately with local Indigenous Nations and aspires to align with their values and goals.

6. Strengths, Limitations & Future Research

This research is strengthened by its integration of archival documentation, institutional memory and critical analysis of the regulatory frameworks surrounding heritage management in BC. The integration of legal perspectives and notions of cultural landscapes move this research beyond being a site-specific investigation toward a structural critique. It also contributes to an underexamined aspect of the university's history, the Indigenous histories of campus lands.

The most limiting aspect of this research was the inability to acquire human ethics approval from UVic as well as permission to view materials from DcRt-32 at the Royal BC Museum. This ultimately stemmed from a lack of close contact with Songhees Nation, which was reflected by the methods I employed. In this regard, one of the aims of this research can be seen as laying the foundation for future collaboration with Songhees Nation on matters on archaeological and cultural heritage on UVic campus lands. The fact that the university did not grant this project human-ethics approval in part underscores the very issues this thesis raises:

Future research could examine the management of Indigenous cultural heritage on other campuses operating within the same provincial legal framework. Additionally, further investigation could be had into the management of Indigenous cultural heritage on the many other parcels of land owned by UVic throughout Greater Victoria and Vancouver Island. Regardless, any future iterations of such research would be strengthened by increased collaboration between the researchers and local Indigenous Nation, in the form of a research agreement for instance.

7. Conclusions

This research began with a general curiosity about the fate of a now-destroyed archaeological site on UVic campus. Ultimately, neither my investigations of the UVic archive nor the conversations I shared with UVic faculty revealed the absence of any concrete ethical or regulatory frameworks in terms of protecting Indigenous cultural heritage or archaeology on campus. In terms of priorities, UVic's seem to have shifted mostly in lock-step with what has been considered progressive for the day.

The destruction of DcRt-32 in 1964 was not uniquely scandalous for its time. It occurred within a legal and societal environment that, while maybe seeing archaeological inquiry as important or interesting, certainly treated Indigenous cultural heritage as secondary to development. While UVic's commitments to reconciliation and recognition of Indigenous sovereignty have grown significantly since then, this research finds limited evidence of proactive heritage policy or ongoing attempts for structural reform on campus lands.

Facing the future requires not only a progressive approach to Indigenous sovereignty and Indigenous cultural heritage but one that anticipates ethical obligations before controversy demands them. Positive heritage outcomes should not depend solely on the goodwill of individuals operating within flawed systems. Instead, they must be built into

transparent institutional policies that center Indigenous authority in decision-making and recognize campus lands as part of a living cultural landscape with histories that extend far beyond the university's six decades of existence.

References

- Angelbeck, Bill. 2007. "The Message of the Poets Cove Sentence." *The Midden* 39 (2): 2.
- Apland, Brian. 1990. "The Archaeology Branch." *The Midden* 22 (5): 3-4
- Apland, Brian. 1992. "Archaeological Site Protection." *The Midden* 24 (3) (1992): 5-7.
- Apland, Brian. 1993. "The Roles of the Provincial Government in British Columbia Archaeology." *BC Studies* 99: 7–24.
- Bannister, Kelly, & George Nicholas. 2015. "Irony as inspiration: From Academic Research to Community Action in Protecting Bicultural Landscapes." *Langscape* 4 (1): 62-67.
- British Columbia. 1960. *Archaeological and Historic Sites Protection Act*, S.B.C., c. 2. <https://free.bcpublications.ca/civix/document/id/hstats/hstats/233497984>
- British Columbia. 1996. *Heritage Conservation Act*, R.S.B.C., c. 187.
- Bryce, Cheryl. 2008. "First perspectives: Heritage Conservation or Heritage Destruction Act." *The Midden* 40, no. 1 (2008): 9-10.
- Connaughton, Sean P. 2025. Reimagining Archaeology. In *Unearthing Forgotten Values: Toward a Meaningful Archaeological Practice*. UBC Press.
- Depner, Wolfgang. 2026. "B.C. Postponing Changes to Heritage Act to Step up Consultation, Says Minister" *The Canadian Press*, January 19 2026. <https://www.cbc.ca/news/canada/british-columbia/bc-heritage-act-changes-postponed-9.7052352>
- English, Emmaline, Edith Barabash, Ellen Campbell, & Jack Jones. "Protecting Indigenous Cultural Heritage Resources on Private Land: Potential Strategies and Tools for Nations, Recommendations for Provincial and Local Government Reform, University of Victoria Environmental Law Centre (2023).
- Fladmark, Knut. 1980. "British Columbia Archaeology in the 1970s." *BC Studies* 48: 11-19.

- Heffernan, Claire. 1992. "A History of Gordon Head Campus from 11,000 B.C. to 1970." Colonial Injustices and Current Realities: University of Victoria (B.C.) Library.
- Klassen, Michael. 2008. "First Nations, the Heritage Conservation Act, and the Ethics of Heritage Stewardship." *The Midden* 40 (4): 8–17.
- Nicholas, George. 2006. "Decolonizing the Archaeological Landscape: The Practice and Politics of Archaeology in British Columbia." *American Indian Quarterly* 30 (3-4): 350-380.
- McLay, Eric. 2007. "Reconciling Title to First Nations Archaeological Property in BC". *The Midden*, 39 (1): 21-24.
- McLay, Eric. 2011. "Site Alteration: The Demolition of British Columbia's Archaeological Heritage." *The Midden* 43 (4): 3-7.
- McLay, Eric, Kelly Bannister, Lea Joe, Brian Thom, & George Nicholas. 2008. "'A'lhut tu tet Sul'hweentst [Respecting the Ancestors]: Understanding Hul'qumi'num Heritage Laws and Concerns for the Protection of Archaeological Heritage," in *First Nations Cultural Heritage and Law*, ed. Catherine Bell and Val Napoleon (UBC Press).
- Pokotylo, David, & Andrew Mason. 2010. "Archaeological Heritage Resource Protection in Canada: The Legislative Basis," in *Cultural Heritage Management: A Global Perspective*, ed. Phyllis Mauch Messenger & George S. Smith (University Press of Florida).
- Roy, Susan. 2006. "Who Were These Mysterious People?: 'cesna:m, the Marpole Midden, and the Dispossession of Aboriginal lands in British Columbia." *BC Studies* 152: 67-95.
- Sayers, Judith, Dan Smith, Murray Browne, Andrea Glickman, & Shannon Cameron. 2011. Introduction to the Joint Working Group on First Nations Heritage Conservation." *The Midden* 43 (3): 11-14.

Thom, Brian. 2026. "Comment: B.C. archaeological sites are not 'misfortunes'" *Times Colonist*, January 31 2026.

<https://www.timescolonist.com/opinion/comment-bc-archeological-sites-are-not-a-misfortune-11818326>

Ziff, Bruce & Melodie Hope. 2009. "Unsightly: The Eclectic Regimes that Protect Aboriginal Cultural Places in Canada," in *Protection of First Nation Cultural Heritage: Laws, Policy and Reform*, ed. Catherine Bell & Robert K. Paterson (UBC Press).

Appendix A: Figures and Maps

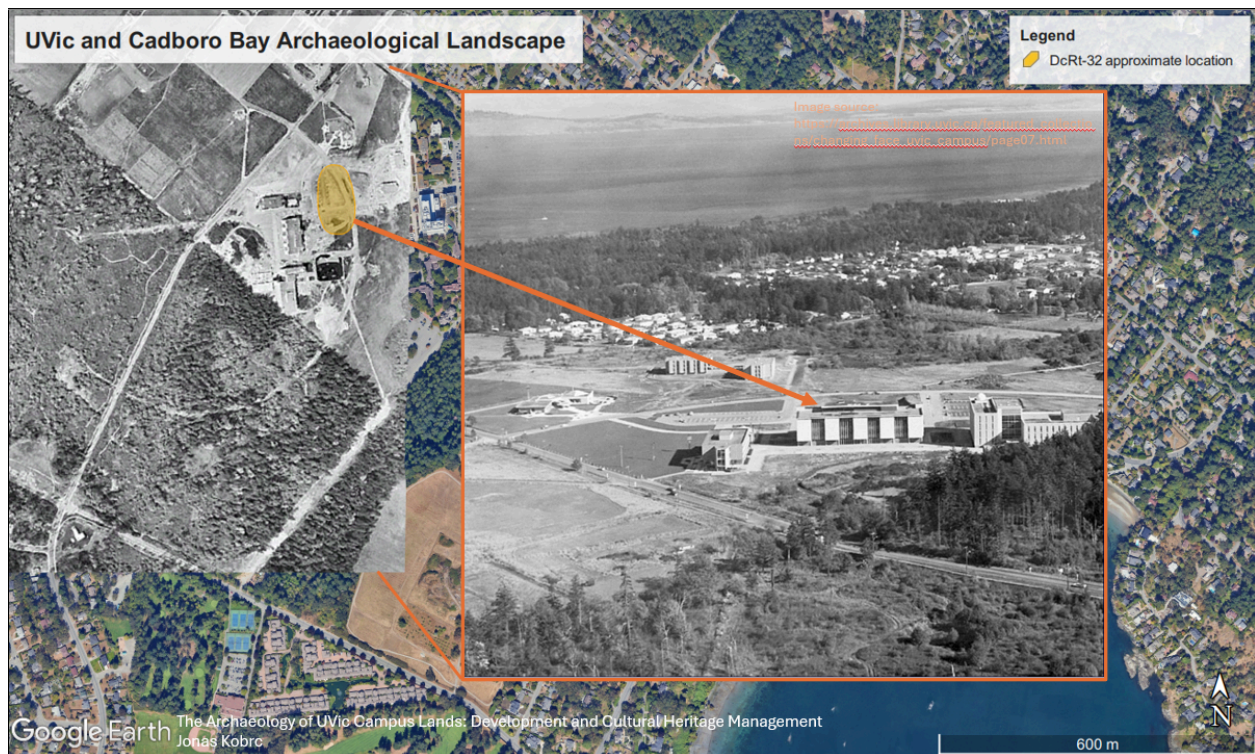
Map 1. Study area showing location approximate locations of DcRt-32 and Sñeqø



Map 2. Study area showing approximate location of DcRt-32 with a 1964 campus airphoto overlay



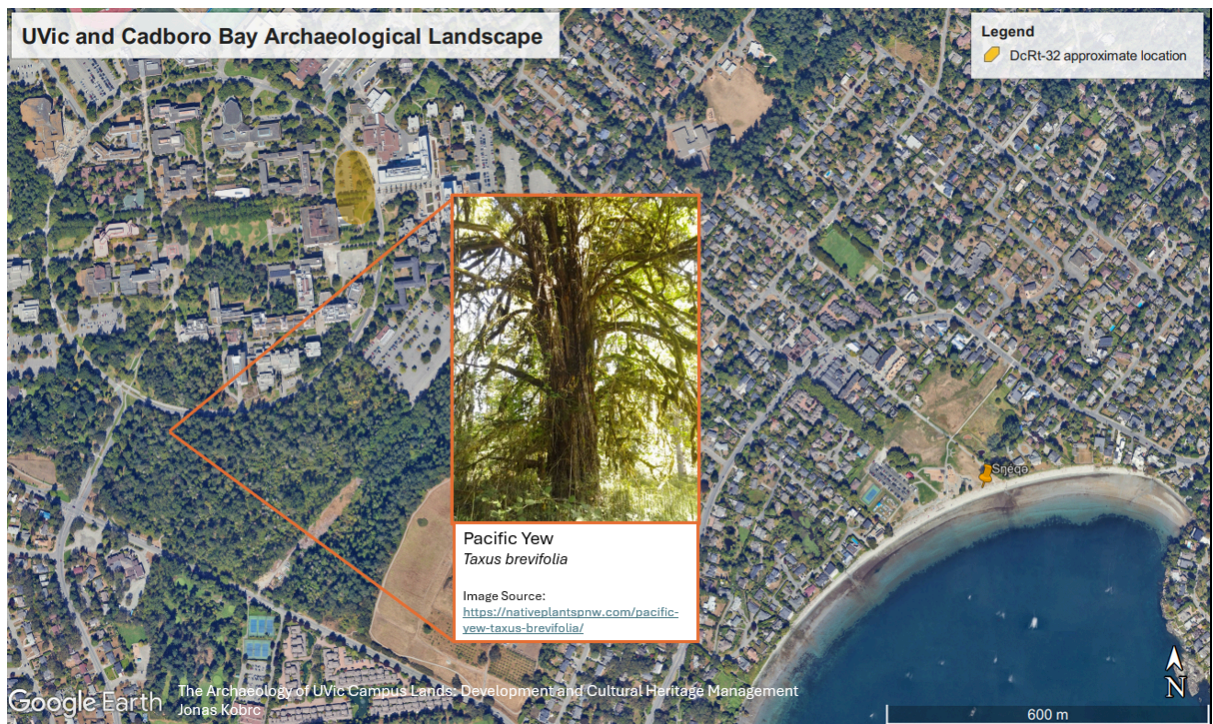
Map 3. Alternate angle of Gordon Head Campus in 1964



Map 4. Approximate location of old growth fir that previously stood on UVic campus lands



Map 5. Observed location of extant pacific yew (*Taxus brevifolia*) on UVic campus lands



Map 6. Observed of location of an exposed inland cultural shell deposit in the middle of a public path



Appendix B: DcRt-32 Archaeological Records

Figure 1. Pre-2021 British Columbia archaeological site survey form for DcRt-32.

LBU
 Site No. DcRt 32

BRITISH COLUMBIA ARCHAEOLOGICAL SITE SURVEY FORM

1. Location and access Gordon Head Campus, University of Victoria Campus
Approx. 500 ft. NE of Science Building

2. Site name _____
3. Previous designations _____

4. Type SHELL AND CHARCOAL DEPOSIT
5. Dimensions 75 x 30 ft.
6. Depth of deposit 6 ft.
7. Elevation 150 ft.
8. Water nearest at Cadboro Bay
9. Vegetation on site second growth of fir
10. Surrounding vegetation _____
11. Fill of site _____
12. Subsoil and surrounding soil light yellow gravel
13. Burials _____
14. Habitations _____
15. Other features _____
16. Present condition In process of total
destruction
17. Possibility of future disturbance _____
18. Known finds and present location none

19. Owner(s)/tenant(s) past and present _____
20. Attitude to excavation _____
21. Camping facilities _____
22. Historically territory of _____
Songhees Indians.
23. Site was/was not occupied by Indians in historic times until _____
24. Informants _____
25. Map 92 B/ 6 W
26. Air photo _____
27. Photographs _____
28. Published references _____
29. Remarks and recommendations
Soon to be covered by U. Vic.
Parking lot
30. Reported by R. E. Cox
31. Observed by _____
32. Recorded by ?
33. Date July 20/64

DESCRIPTION OF SITE

Site No. _____

(Continue or expand on back if necessary. Sketch map is desirable.)

SM-269-1726 COPIED FROM OLD FORM /co

Figure 2. Sketch map of the location of DcRt-32 from the reverse side of the BC archaeological site survey form.



Appendix C: History of Heritage Protection in BC (1968-2003) through *The Midden*

1968. Protection of Sites and Artifacts. in *The Midden* 1(1), p. 2-3:

- At their earliest the Archaeological Society of BC (ASBC) formed a committee to look into the state of heritage legislation in BC

1969. RCMP and Surveyors Will Help. in *The Midden* 1(5), p.6:

RCMP and Surveyors Will Help

The Society has won the co-operation of the provincial government in two important new areas.

Following an exchange of letters between Society president Ron Sutherland and the Deputy Provincial Secretary, Laurie Wallace, the government has agreed to:

1. Circularize all RCMP detachments requesting their help in protecting known historic sites and catching vandals,
2. Circularize all government surveyors, ordering full reports on any possible historic sites encountered during their work,
3. Circularize all B.C. surveyors, requesting they report any possible sites they too encounter.

Mr. Wallace has also offered to pass on the results of such reports to the Society.

1969. Exports to be Halted. *The Midden* 1(6), p.6:

6.

EXPORTS TO BE HALTED

The export of artifacts should soon be cut back sharply.

The evidence comes in a new letter from Provincial Secretary Mr. Laurie Wallace, who has given the society considerable support in the past. In part the letter states that in future even official excavators will not be allowed to take their finds out of the province. This is expected to include professional U.S. archaeologists; in future when they apply for a dig permit it will be made clear that all artifacts and remains will be retained in B.C., though they are welcome to continue excavations in the province.

Members may be happy with the generous comments made about the society by Dr. Roy Carlson of Simon Fraser University recently. Addressing the first of a series of U.B.C. Extension talks on New Developments in B.C. Archaeology, Dr. Carlson noted that there were some five major milestones in B. C. archaeology - in 1897 the Jessop North Pacific Expedition under Harlan I. Smith; in 1950 Dr. Charles Borden started on his extensive work; the Tweedsmuir Park salvage operations carried out by Dr. Borden in 1951/52; in 1960 the Archaeological and Historic Sites Protection Act was passed by the Provincial Government; and in 1966 the founding of the Archaeological Society of British Columbia.

1970. The Midden 2(1), p. 3:

Charles Borden in panel discussion when asked about the future of archaeology legislation in BC:

When asked about the law in connection with archaeology, Dr. Borden replied that B. C. is the most progressive province in legislation but more is needed. The Archaeological Sites Protection Act needs amendments which will be suggested to the government. Amendments will strengthen the Act. Section 10 is to be changed so that sites must be surveyed before construction begins. We need a Provincial Archaeologist. The Archaeological Sites Advisory Board was appointed when the Act became law, to advise the Minister in all matters that relate to this Act. Members are: (1) A representative of the Provincial Museum, (2) a representative of the three universities, (3) private individuals, (4) representative of government - Deputy Secretary, (5) a director for fieldwork (a part-time position paying \$1,000 p.a.). Dr. Borden suggested that we let our MLAs know that we want a full-time appointee. British Columbia also needs a federal archaeological protection act because there are over 1600 Indian reserves in the province.

* * * * *

1970. Crime and Punishment. The Midden 2(5), p. 5:

Until recently, the book discussed in this article was available at the UVic library:

The MIDDEN/5

CRIME AND PUNISHMENT

An editorial reprinted from the Museum Round-up, quarterly publication of the B.C. Museums Association.

We are being haunted again by the shortcomings of Antiquities Legislation...the problem of abuses within the limitations of the Archaeological and Historic Sites Protection Act. During November 1969, there was a mild flap at Kelowna when a Department of Highways crew working on private property near Winfield unearthed some Indian skeletons and artifacts. Kelowna Museum Custodian Ursula Surtees, after some difficulty and after the damage was done, was able to stop the work long enough until Provincial Museum personnel were able to rush to the site. In the meantime, some of the artifacts disappeared, presumably into lunchbuckets. However, in her inimitable fashion, Mrs. Surtees was able to make some inroads of her own with the Minister of Highways. Word has now gone out to Highways staff to immediately report the discovery of middens etc. to the Victoria Office.

But the real purpose of this Editorial is to bring to your attention another serious aspect of legislation. Recently a gentleman from New Westminster started circulating a 35-page mimeograph booklet "Collector's Guide to B.C. Indian Artifacts". A description of 160 sites for \$2 a copy. It's been done before, as we recall a similar pamphlet on Similkameen sites. And an old Okanagan mining town received recent publicity. What bothers us is first that there appears no legal way to stop such publicity, and second that there is never any mention of the Archaeological and Historic Sites Protection Act. Just "Come and Get it".

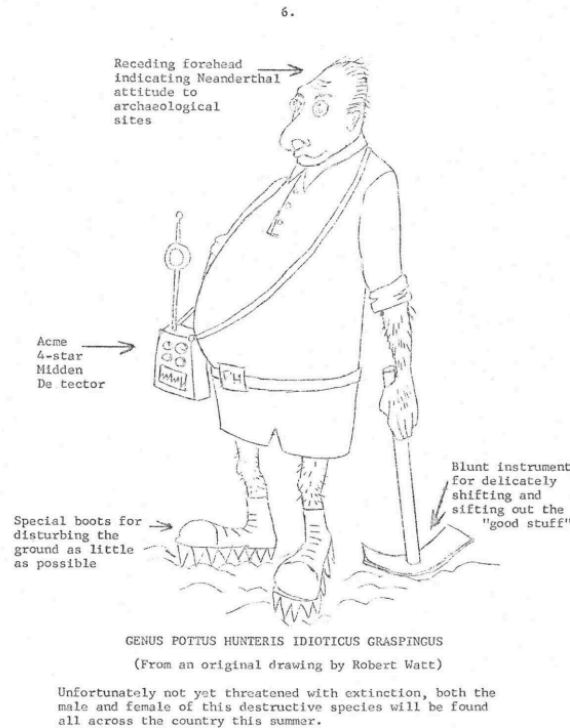
In our view there is considerable morality involved in the thin line of working within or without the Act. One of the biggest problems with the legislation is policing designated sites. There just aren't enough Royal Canadian Mounted Police to patrol the scattered areas. Moreover, all sites aren't officially designated. But surely, there should be some way of giving all such sites better protection than they now enjoy, without worsening the situation by permitting the publication and publicizing of such information as given in the above "Collector's Guide", which can do nothing less than invite collectors to the scene of the crime.

We believe that the whole matter of adequate and effective legislation and realistic enforcement of such legislation must be a direct concern of the British Columbia Museums Association, and that we must set personal and collective examples toward the necessary goals.

1971. The Midden 3(2) p. 2-3:

- BC hires first provincial archaeologist, Bjorn Simonsen
- He is given budget to hire a team of 40 people to survey sites across BC parks
 - They focused their efforts at two major excavations

1971. The Midden 3(3), p. 6:



1971. The Midden 3(5), p. 1:

Ice arena wrecks Indian burial ground

The municipality of Delta has allowed an Indian burial ground to be dug up in order to begin construction on an ice arena in South Delta.

The ice arena and recreational complex is part of a federal government capital works loan program, under which work on the project must be completed by March 1971 to be eligible for the special loan.

Rod Taylor of Phillips, Barratt, Hillier, Jones and Partners, architects for the project, said construction on the complex is presently about one-quarter of the way through.

The ground has been excavated, filled and the foundations and framework have been completed.

Provincial archaeologist in Victoria, Bjorn Simonsen, said he first heard about it from a radio nightline pro-

gram and added, "We're quite disturbed about it."

"I contacted the construction people and they said the damage has already been done."

"We've known for years that there is a site there. It extends right along the ridge to the Beach Grove Golf Course."

"Some work was done there in the 1950s by the government and by the provincial museum, and they found some things then."

Under the Archaeological and Historic Sites Protection Act, the municipality could be prosecuted.

Section five, subsection two of the acts says, "No person shall knowingly destroy, dislocate, or alter any burial place in the province or remove any skeletal remains, except to the extent that they have obtained a valid and

subsisting permit under the act."

Simonsen said he was looking into prosecuting the municipality, but would have to contact the Attorney-General's Department first.

He is going to visit the municipality today regarding the matter.

He noted that he was sure there would still be areas around the construction site with some graves and artifacts.

Some bones and artifacts taken from the site have been identified by an archaeologist from Vancouver City College as "very old Indian pieces".

By Wednesday afternoon and Thursday morning, construction workers, municipal employees, and others concerned with the project denied having seen any bones.

1972. The Midden 4(1), p. 6-8:

SOME IDEAS FOR AMENDING THE ACT

The powers-that-be in Victoria are, we hope, currently planning the resuscitation of B. C.'s Archaeological Sites Protection Act.

Perhaps the following, excerpted from the 1956 UNESCO 'Recommendation on International Principles applicable to Archaeological Excavations', may help.

2. The provisions of the present Recommendation apply to any remains, whose preservation is in the public interest from the point of view of history or art and architecture, each Member State being free to adopt the most appropriate criterion for assessing the public interest of objects found on its territory. In particular, the provisions of the present Recommendation should apply to any monuments and movable or immovable objects of archaeological interest considered in the widest sense.
3. The criterion adopted for assessing the public interest of archaeological remains might vary according to whether it is a question of the preservation of such property, or of the excavator's or finder's obligation to declare his discoveries.
 - (a) In the former case, the criterion based on preserving all objects originating before a certain date should be abandoned, and replaced by one whereby protection is extended to all objects belonging to a given period or of a minimum age fixed by law.
 - (b) In the latter case, each Member State should adopt far wider criteria, compelling the excavator or finder to declare any object, of archaeological character, whether movable or immovable, which he may discover.
4. Each Member State should ensure the protection of its archaeological heritage, taking fully into account problems arising in connexion with excavations, and in conformity with the provisions of the present Recommendation.
5. Each Member State should in particular:
 - (a) Make archaeological explorations and excavations subject to prior authorization by the competent authority;
 - (b) Oblige any person finding archaeological remains to declare them at the earliest possible date to the competent authority;
 - (c) Impose penalties for the infringement of these regulations;
 - (d) Make undeclared objects subject to confiscation;
 - (e) Define the legal status of the archaeological sub-soil

and, where State ownership of the said sub-soil is recognized, specifically mention the fact in its legislation;

(f) Consider classifying as historical monuments the essential elements of its archaeological heritage.

6. Although differences of tradition and unequal financial resources make it impossible for all Member States to adopt a uniform system of organization in the administrative services responsible for excavations, certain common principles should nevertheless apply to all national archaeological services:
 - (a) The archaeological service should, so far as possible, be a central State administration--or at any rate an organization provided by law with the necessary means for carrying out any emergency measures that may be required. In addition to the general administration of archaeological work, this service should co-operate with research institutes and universities in the technical training of excavators. This body should also set up a central documentation, including maps, of its movable and immovable monuments and additional documentation for every important museum or ceramic or iconographic collection, etc.
 - (b) Steps should be taken to ensure in particular the regular provision of funds: (i) to administer the services in a satisfactory manner; (ii) to carry out a programme of work proportionate to the archaeological resources of the country, including scientific publications; (iii) to exercise control over accidental discoveries; (iv) to provide for the upkeep of excavation sites and monuments.
7. Careful supervision should be exercised by each Member State over the restoration of archaeological remains and objects discovered.
8. Prior approval should be obtained from the competent authority for the removal of any monuments which ought to be preserved in situ.
9. Each Member State should consider maintaining untouched, partially or totally, a certain number of archaeological sites of different periods in order that their excavation may benefit from improved techniques and more advanced archaeological knowledge. On each of the larger sites now being excavated, in so far as the nature of the land permits, well defined 'witness' areas might be left unexcavated in several places in order to allow for eventual verification of the stratigraphy and archaeological composition of the site.

23. (a) Each Member State should clearly define the principles which hold good on its territory in regard to the disposal of finds from excavations.
 - (b) Finds should be used, in the first place, for building up, in the museums of the country in which excavations are carried out, complete collections fully representative of that country's civilization, history, art and architecture.
 - (c) With the main object of promoting archaeological studies through the distribution of original material, the conceding authority, after scientific publication, might consider allocating to the approved excavator a number of finds from his excavation, consisting of duplicates or, in a more general sense, of objects or groups of objects which can be released in view of their similarity to other objects from the same excavation. The return to the excavator of objects resulting from excavations should always be subject to the condition that they be allocated within a specified period of time to scientific centres open to the public, with the proviso that if these conditions are not put into effect, or cease to be carried out, the released objects will be returned to the conceding authority.
24. (a) The conceding State should guarantee to the excavator scientific rights in his finds for a reasonable period.
 - (b) The conceding State should require the excavator to publish the results of his work within the period stipulated in the deed, or, failing such stipulations, within a reasonable period. This period should not exceed two years for the preliminary report. For a period of five years following the discovery, the competent archaeological authorities should undertake not to release the complete collection of finds, nor the relative scientific documentation, for detailed study, without the written authority of the excavator. Subject to the same conditions, these authorities should also prevent photographic or other reproduction of archaeological material still unpublished. In order to allow, should it be so desired, for simultaneous publication of the preliminary report in both countries, the excavator should, on demand, submit a copy of his text to these authorities.
29. Each Member State should take all necessary measures to prevent clandestine excavations and damage to monuments defined in paragraphs 2 and 3 above, and also to prevent the export of objects thus obtained.
30. All necessary measures should be taken in order that museums to which archaeological objects are offered ascertain that there is no reason to believe that these objects have been procured by clandestine excavation, theft or any other method regarded as illicit by the competent authorities of the country of origin. Any suspicious offer and all details appertaining thereto should be brought to the attention of the services concerned. When archaeological objects have been acquired by museums, adequate details allowing them to be identified and indicating the manner of their acquisition should be published as soon as possible.

1972. The Midden 4(2) p. 2-5

The

B. C. Archaeological and Historic Sites Protection Act:

a review, by Nick Russell

A Bill to replace the 1960 Act was introduced in the provincial legislature by the government in March 1972. While substantially the same as its predecessor, it includes some subtle changes, in places merely tightening possible ambiguities but in others constituting a significant shift in intention.

The original act has long been regarded as a benchmark in enlightened thinking in North America, and the revised version serves to further this reputation.

However, it still does not go as far as some conservationists wish, and of course introduction of the new act makes the likelihood of further amendments extremely remote.

Furthermore, some of the less desirable elements of the old act have been retained. Likely sticking points include retention of the word "knowingly" in the prohibition sections: damage to sites must not be done "knowingly". It is this virtually unprovable phrase that has prevented the province from prosecuting in at least one palpably culpable case.

Similarly, a clause--new to the act--that developers should not suffer "undue hardship" at the hands of archaeological research will bear some interpretation.

But the most obvious omission is rather more philosophical: an archaeological site still has to be "exceptional" before it is officially "designated" by the government, and only then is it fully protected.

In the 12 years history of the previous act, not one single site was so designated.

So in essence the revised version is not essentially different from the old--somewhat tightened, with a few good ideas, but not immediately clamping down on either the minor pot-hunters nor the developers.

It will remain to be seen whether the Provincial Archaeologist can persuade the Minister to show that the paper tiger really has teeth.

(It still seems incredible that the gentleman who last summer dug a 10-foot deep hole in the precious Glenrose Cannery midden could have got away with it.)

THE ACT

This is a layman's attempt to interpret changes in the Act and their implications. It should by no means be regarded as an authoritative substitute for the Act itself, which may be obtained for about 25c from the Queen's Printer, Victoria.

OLD STYLE

NEW STYLE

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(1) Title of Act.</p> <p>(2) <u>Definition</u>
"Archaeological site" and "historic site" definitions depended on sites being designated as such.</p> <p>(3) <u>Designation</u>
The Minister responsible could "designate any site as an archaeological site or historic site. There was no indication of what designation achieved. But throughout the act there were references to "archaeological sites" which presumably according to the definition were only those sites which had been designated as such.</p> <p>(4) <u>Acquisition</u>
The government can acquire sites or objects by purchase, gift or lease.</p> <p>(5) <u>Prohibitions</u>
Although the phrasing has been substantially changed, this section remains the same in intent, and hinges on the word "knowingly": No person without a permit "shall knowingly destroy, desecrate, deface, move, excavate" etc. designated sites, burials, pictographs and petroglyphs. Nor shall they touch sites on Crown land without a permit.</p> | <p>(1) "Site" is defined simple as "lan of archaeological or historic significance, and includes land covered by water". (The latter phrase is expected only to include fresh water, not saltchuck</p> <p>(2) Where land or objects are, in th opinion of the minister, "of exceptional archaeological or historic significance" they may be designated as such. If this results in financial loss to the owner, the government will pay compensation.</p> <p>(3) Unchanged</p> <p>(4)</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- .4.
- (6) Permits (5)
The government can issue, limit, suspend or cancel permits.
("Suspend" is added in the new version.) Reports may be required.
- (7) Private Land (6) Where excavations are being carried out with consent of the owner on sites NOT designated or not on Crown land, reports must still be submitted to the minister, and objects may not be taken out of the province.
- (8) Seizure (8) This section is dropped in the revised version. Presumably "designation" of an object could have similar effect?
- (9) Penalty (8) Up to \$1,000 and/or six months jail.
- (10) Preventive Measures (7) If a site is threatened (by developers or other damage), the minister can order a site survey or excavation at the owner's expense. If necessary, development work or other activity will be halted for the research. But such work should not cause "undue hardship" to the developer.
- (11) Notices (9)
Minister can post signs at sites, referring to the Act.
- (12) Agreements (10)
The minister may erect buildings, monuments, notices, etc. where necessary.
- (13) Advisory Boards (11) Representatives from S.F.U. and the U. of Victoria are added to the Board. But, strangely, there is still no mention of the Provincial Archaeologist.
- (14, 15, 16) "12, 13, 14)
(Remaining sections merely refer to the power of government to enforce the Act, and the repeal of the old Act.)

* * * *

.5.

Postscript -some late notes on the amended Act

*Dr. Roy Carlson: "They have removed the most important part, making the act binding on the provincial government and its agencies. The government is really the biggest destroyer of archaeological sites in the province."

*Mr. Bjorn Simonsen: "The Crown is still not bound by the Act, to everyone's chagrin I suppose. But this was because the Provincial Secretary did not feel this was necessary at this time, as we really are getting good co-operation from government departments."

On designation: "Several sites have in fact been designated, including Milliken, one near Prince Rupert, and a couple of petroglyphs."

On seizure: "Seizure of objects will still be possible under the new act, either under the Designation section or under Section 12, which gives the government power to carry out the intent of the act."

On private land: "This is aimed primarily at the developers, but it definitely will impose limitations on everybody working on private land."

On the Advisory Board: "The Archaeologist cannot really serve on the Board: he in effect works for the Board."

On expropriation: "In the draft bill there was provision for expropriation where necessary, but this has been thrown out because the government's whole policy on expropriation is under review. It may be put back later."

Mr. Simonsen also announced that he had prepared a pamphlet for mass distribution, which will explain the law to laymen, especially tourists, and will be available in places like the Island ferries. The old booklet explaining the act would also be republished, and a new poster outlining the new act will be displayed in post offices.

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*Same issue p.16 - At this point in time, all (100%) of archaeological sites in Metropolitan Toronto were/are considered disturbed or destroyed.

1973. *The Midden* 5(3), p. 2:

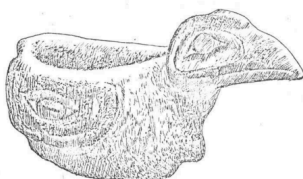
* * * * *

The Personal Collections Committee was formed in October to record all private collections in the province. Work on photographing and documenting has already begun, and the committee already has the names of more than 100 persons who have artifacts.

Also in this issue, BC govt approves appointment of assistant to provincial archaeologist

1973. *The Midden* 5(5), p. 7-16

THE FUTURE OF THE PAST
Highlights of the brief recently presented to the Provincial Government Caucus by the Archaeological Society of B.C.



This brief outlines the importance of archaeology in BC with respect to its prehistory and uncovering how the Americas were first peopled.

The ASBC gives the province four recommendations to "contribute to the understanding of this significance:"

1. Education
 - a. Teacher training

- b. Expansion of programs at Colleges and University
- c. Archaeological media, eg films slides and photographs should be included in provincial curricula
- d. Archaeological textbooks accessible to a variety of grade levels are needed
- e. Provincial archaeologist needs new personnel (trained in archaeology) to:
 - i. Consult with the public and identify archaeological materials
 - ii. Help establish more forums to learn archaeology. Eg., classes and night classes
 - iii. TV series
 - iv. Commercial Ads promoting Archaeological and Historic Sites Protection Act.
 - v. More travelling museum displays on archaeology

2. Public educational resources

- Mostly talks about increased signage - I would argue this section is not very important and at the very least would be met with some controversy today

3. Legislation - in BC and beyond

BC, at this point, is already considered progressive when it comes to heritage conservation legislation however the ASBC recommends some improvements:

- a. The Act should be made binding for all Provincial, municipal, and Crown agencies
- b. The sale of Indian artifacts should be made illegal except under permit from BC archaeologist
- c. Archaeological protection on private land; purchase of land should not include subsurface resources; provincial archaeologist must approve building permits; tax incentives should be offered to owners to protect archaeology
- d. Land should not be designated by the BC Land Commission until archaeological needs are met

They also recommend the following ideas to be conveyed to the federal government:

- a. Canada should sign the “UNESCO Recommended International Principles to Archaeological Excavations” - Canada is “one of few countries which have not honoured this international agreement.”
- b. Stronger federal legislation; artifacts should remain in Canada, even better, the province from which they came
- c. The federal government should fully recognize BC’s Archaeological and Historic Sites Protection Act.

4. Funding - basically, no aspect of the process of practising and protecting archaeology in BC is adequately funded

HERITAGE SITE PROTECTION IN BRITISH COLUMBIA

by Gordon Hanson
Assistant Provincial Archaeologist

To develop an effective system of Heritage Site protection in British Columbia, the Provincial Archaeologist's office has been working to establish and maintain close working relationships with Government Departments and Agencies, Crown Corporations, and private industry.

Over the past few years a considerable amount of time and effort has been devoted to enlisting the co-operation of Government Agencies, such as the Department of Highways and B.C. Hydro, which involve themselves in large scale land altering activities. As a result of this effort, a procedure now exists whereby the Provincial Archaeologist's office is provided with all plans of proposed construction at an early design stage. In this way, inventories of the archaeological and historic resources in the area under consideration can be carried out and this information along with other environmental criteria can be used in determining the location and/or route of proposed construction. Conflicts which may arise between heritage resources and proposed development can be resolved by (1) complete avoidance of the site by altering the alignment or location of the construction, (2) designing and engineering in a manner which will leave the site intact, or (3) co-ordinated archaeological salvage if both (1) and (2) are not feasible. The funding for the necessary archaeological and historic site investigations is assumed by the Department or Agency involved. This procedure is now being extended to include a number of governmental agencies.

Recently it was brought to the attention of the Provincial Archaeologist's office that legislation introduced to preserve agricultural lands during the last Legislative Session is having a deleterious effect on archaeological resources in the South Thompson and Okanagan areas. Lands which formerly were used exclusively as grazing lands are rapidly being cultivated. As a result of this change in land use, pithouse village sites have suffered the effects of bulldozing to fill depressions, and the sites have been extensively plowed. To alleviate this serious problem a proposal has been submitted to the B.C. Land Commission to inventory all heritage resources on agricultural lands in the South Thompson and Okanagan regions and take immediate steps to ensure the protection of these areas.

Another Government Department which has responded most favourably to the effort of site protection in B.C. is the Department of Municipal Affairs. As it is virtually impossible to protect sites which are unrecorded, a high priority will be placed on systematic

inventories of areas where the pressure for development is greatest, namely in the heavily urbanized areas of B.C. We are hopeful that the Dept. of Municipal Affairs will be of assistance in this regard. Last fall, for example, the Provincial Archaeologist's office presented a brief to the Select Standing Committee on Municipal Matters. This Committee was set up to advise the Minister on policy regarding future land-use planning in the Gulf Islands. As a result of this brief, a systematic inventory of the heritage resources of all of the Gulf Islands is now underway.

In addition to the ongoing investigations related to proposed highway and hydro work, a number of surveys of proposed northern railway routes are planned for the coming field season. These will be established on a continuing basis. Several field crews will be assigned to proposed C.N. Rail and B.C. Rail construction projects in the north, while other work will be carried out in areas where expansion and maintenance programmes are to be initiated by C.P. Rail. Other surveys will focus on the B.C. portion of the Alaska Highway and will be funded by the Federal Department of Public Works.

It is apparent that all of the aforementioned projects with the exception of the Gulf Islands survey are oriented towards a particular development activity and undoubtedly such work will continue for years to come. However, it is realized that systematic inventories must be carried out on a regional basis if we hope to include heritage resources in long range land-use plans which will be developed for the Province. The Provincial Archaeologist's office is attempting, through the Provincial Environment and Land-Use Committee Secretariat, to have heritage resources included as an integral part of the B.C. Land Inventory. In this way archaeological and historic sites will be recognized and evaluated along with other environmental variables such as riverine resources, plant and animal communities, soils, mineral deposits, et cetera. We are hopeful that the heritage site component of the B.C. Land Inventory will begin in the spring of this year.

It is obvious that effective site protection must be a co-operative endeavour including departments of government and the private sector both. Until now, the Archaeological Sites Advisory Board has been concentrating its efforts on ensuring that adequate site surveys and, if necessary, archaeological salvage are carried out prior to the construction phase of projects under the control of Government Agencies. It remains for the Board to actively seek the co-operation of the private industry sector in order that all sites of significance to British Columbia's history may be adequately protected.

* * * * *

ARCHAEOLOGY IN FOR A GOOD YEAR, SAYS EXPERT

Special to The Midden

Government and industry are providing a record amount of support to archaeology in B.C. this summer, to the tune of about \$400,000.

The B.C. Archaeologist, Bjorn Simonsen, says a number of provincial agencies will contribute to research costs this year, some for the first time. In addition to the Archaeological Sites Advisory Board having its largest-ever operating budget of \$126,412, Simonsen expects to administer up to \$300,000 for digs and surveys. Reporting to A.S.A.B., he notes the unusually large number of surveys and excavations will include grants from:

- B.C. Hydro, which is funding two field workers for four months, to survey routes for proposed hydro transmission lines.
- Inland Natural Gas Company, supplying \$7,000 for a site survey along a proposed pipeline between Yahk and Rossland, in the West Kootenays.
- CN Railway, again funding surveys along the proposed CN line from Terrace to Nass Camp. Two crews, four months, \$18,000.
- BC Railway, which has--says Simonsen--"finally consented" to fund an archaeological site survey along the remaining unbuild section of their Stuart Lake-Dease Lake line. Two workers, two months, \$7,500.
- Canada Department of Public Works, providing for a survey of the northern end of the Alaska Highway, slated for upgrading and re-alignment. One two-man crew, three months, \$8,600.
- B.C. Government which has approved a small budget for setting up a network of volunteer "archaeological site wardens" throughout B.C. Assistant Provincial Archaeologist Gordon Hanson hopes to visit all regions of the province this summer, locating and briefing volunteers to act as watchdogs over local archaeological resources.

In addition to these confirmed projects, the provincial archaeologist hopes to get financing for several others. They

*Important connection to Uvic here, they got lots of money

Kew, D. 1975. Indians and archaeologists: their relationship. The Midden 7(3), p. 3-5:

- Archaeologists just seek approval of band and don't consider the wider implications of their work, nor do they consider that someone on a reserve could be the owner of the land they are working on; often band leadership does not speak for all community members
- Federal Indian Reserves are not protected by the Provincial Act
 - "If archaeologists want to get at [village sites in reserves,] they'd better make sure they have the co-operation of the Indians who own them!"
- Criticism of lack of funding for proper care of archaeological materials when there is funding to send students up and down the coast to collect this material
- Another funding issue, archaeologists apparently want to hire Indigenous people to their teams but the bands are expected to pay their wage (which is relatively lower than other archaeologists)

5.

HOW TO MAINTAIN GOOD RELATIONS

There are some things which can be done to maintain good relations with Indians, archaeology-wise. Do not assume that because a grave site is 200 years old you will be automatically granted permission to excavate there. Should you inadvertently excavate such a site, show your concern to the people; this can be done in various ways:

1. Return all objects found, to the grave site,
2. Offer to pay all expenses for traditional transfer of human remains to present burial sites, if this is what the people prefer.

Before you even make application for a permit, consult with the nearest Indian Band about whether they would be interested in any artifacts found. Is the Band, for instance, planning to build a museum? If so, and Band members prove interested in your finds, what guarantee can you give them that such artifacts will be returned to them after analysis and documentation? Make these consultations in person. On some Reserves letters from museums and universities are just so much junk mail, and are treated as such.

From your studies on and near Indian Reserves you may one day obtain an M.A. or a PhD. The Indians, on the other hand, will remember that once people came, dug holes, filled them in and left with "boxes of stuff" never to be seen or heard from again. It would make an immeasurable difference if archaeologists from time to time renewed contact with the people with whom they either lived or camped.

As Indian people, we are becoming increasingly aware of the importance of our historic sites and obviously more possessive of artifacts found there. Many Bands are thinking in terms of Reserve museums and logically opt for any artifacts found on or near their Reserves, being held in their museums.

Archaeologists may soon find themselves playing an important role in helping to substantiate land claims. Their knowledge in this field of science may one day prove not only vital but irrefutable in a land claims court. And so, in fact, both Indians and archaeologists stand to gain from a good working relationship.

Russel, N. 1975. *New Cultural Property Act could have major implications for Canadian museums and collectors. The Midden 7(5), p. 1-4:*

CANADIAN CULTURAL PROPERTY EXPORT
CONTROL LIST

3. (1) The Governor in Council, on the recommendation of the Minister made after consultation with the Minister of Industry, Trade and Commerce, may by order establish a Canadian Cultural Property Export Control List.

(2) Subject to subsection (3), the Governor in Council may include in the Control List, regardless of their places or origin, any objects or classes of objects hereinafter described in this subsection, the export of which he deems it necessary to control in order to preserve the national heritage in Canada:

(a) objects of any value that are of archaeological, prehistorical, historical, artistic or scientific interest and that have been recovered from the soil of Canada, the territorial sea of Canada or the inland or other internal waters of Canada;

(b) objects that were made by, or objects referred to in paragraph (d) that relate to, the aboriginal peoples of Canada and that have a fair market value in Canada of more than five hundred dollars;

(c) objects of decorative art, hereinafter described in this paragraph, that were made in the territory that is now Canada and are more than one hundred years old:

(i) glassware, ceramics, textiles, woodenware and works in base metals that have a fair market value in Canada of more than five hundred dollars; and

(ii) furniture, sculptured works in wood, works in precious metals and other objects of decorative art that have a fair market value in Canada of more than two thousand dollars;

(d) books, records, documents, photographic positives and negatives, sound

recordings, and collections of any of those objects that have a fair market value in Canada of more than five hundred dollars;

(e) drawings, engravings, original prints and watercolours that have a fair market value in Canada of more than one thousand dollars; and

(f) any other objects that have a fair market value in Canada of more than three thousand dollars.

(3) No object shall be included in the Control List if that object

(a) is less than fifty years old; or

(b) was made by a natural person who is still living.

Obviously excluded, therefore, are all contemporary native Indian artifacts. Much less clear are the sections on amendments to the Income Tax Act. But one item is obvious enough: any institution selling an object soon after it becomes eligible for the Control List must pay taxes equal to 30% of the fair market value, unless it goes to another designated Canadian institution.

Also clearly spelled out are the penalties: a massive \$25,000 maximum fine and/or up to five years jail.

With this federal act, the government appears to be making an attempt to stop the export of Indigenous artifacts

- How can monetary value be ascribed to Indigenous artifacts in this way?
- As Nick Russel points out, more contemporary native artifacts are left out, why?

Second issue of next volume, The Midden 8(2) contains an article (p. 11) urging members to oppose this Bill (C-33):

Problems outlined:

1. Monetary system “entirely wrong” for cultural heritage protection
2. Problems with granting “broad interpretative powers” to people in the way of determining if something is of interest and by extension if it should be allowed to be exported
3. Issue with the review board which is to be half made up of collectors - conflict of interest?

Russel, N. 1978. New B.C. heritage groups begin work. *The Midden* 10(1):

The structure of the new B. C. government body which replaces the Archaeological Sites Advisory Board is gradually emerging, though its philosophy and modus operandi remain vague.

Set up under the 1977 Heritage Conservation Act, the Heritage Trust will be chaired by J.V. Clyne. The appointment of this corporate mandarin is intriguing, but may well be inspired: Clyne, former Supreme Court judge and former chairman of MacMillan Bloedel, will head a board of directors whose role will likely include soliciting support from B. C.'s industrial giants--support that can be counted in dollars.

In appointing Clyne, Recreation and Conservation Minister Sam Bawlf also said the government would provide \$1 million in lottery revenue for the trust.

The act defines the objectives of the trust as "to support, encourage and facilitate the conservation, maintenance and restoration of heritage property" in B. C. It is assumed this will include archaeological original research and excavation in archaeology.

The relation of the trust to the Heritage Advisory Board remains unclear, though the key word seems to be "advisory". This new board

largely resembles a combination of the old A.S.A.B. and the Historic Sites Advisory Board. Chairman of the Heritage Board is Dr. Willard Ireland, former provincial archivist, and the board comprises seven members from the former boards plus five new appointees.

Other members are: Dr. Roy Carlson (SFU archaeology), Dr. Donald Mitchell (UVic archaeology), Dr. Jim Hendrickson (UVic history), Dr. Margaret Ormsby (retired UBC history), Dr. Edward Gibson (Burnaby specialist in old buildings), Gloria Webster of Alert Bay, William Lougher-Goodey (retired federal government architect), Martin Segger (Victoria architect), Dr. Margaret Prang (UBC history and member of the Historic Sites and Monuments Board of Canada), Ardyth Cooper (former Archaeological Society executive member), and Ron Sutherland (Archaeological Society representative). Provincial Archaeologist Bjorn Simonsen also serves on the Board, but Bawlf is said to be determined that civil servants act only in an advisory capacity to the group.

Bawlf attended a January meeting of the new board at which three sub-committees were set up: a Permit Review Committee, a Historical Advisory Committee, and an Archaeological Advisory Committee. On the A.A.C. are Mitchell, Carlson, Webster, Cooper, Gibson and Sutherland.

N.R.

Wilkes, K. 1979. Conservation archaeology: Toward resource management and public education. *The Midden* 11(4), p. 9-14:

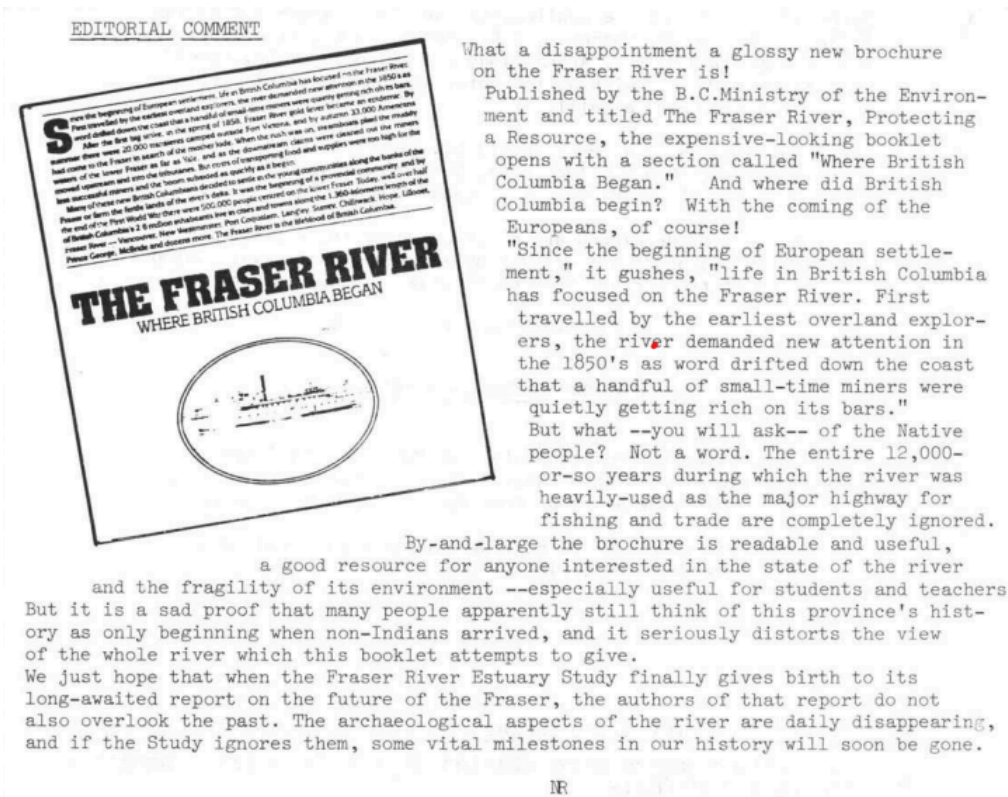
- This article opens talking about the quickness with which human expansion and development are destroying archaeological sites, a non-renewable resource
 - Hester Davis: "Is there a future for the past?" (1971:3)
- Archaeology is societally important
 - This idea needs to be promoted otherwise nobody will want to help protect archaeology

Bunyan, D. E. 1980. Archaeologists want publicity! B.C. archaeologists hold annual meeting. *The Midden* 12(3), p. 10-15:

- Covers the proceedings of the annual meeting of BC archaeologists in 1980
- Bjorn Simonsen: new structure of heritage conservation branch
 - Planning and interpretation division
 - With interpretation and policy planning divisions
 - Resource management division
 - Sectioned into inventory, evaluation, impact assessment, protection and research
- Talked about protection of some specific sites, Monte creek and Gabriola petroglyphs

- When asked how the changes to the branch would play out, Simonsen said, "Wait and see."
- Brian Seymour: talked about Regional Advisers Programme (1975 Warden Programme)
 - Talked about how in future advisers would be responsible for paleontological and historical sites and how they would work closer with Park Branch staff.
- Relatively bad year for fieldwork
- Indigenous peoples' interests:
 - Ardyth Cooper: Indigenous people want to be part of project discussions on their land BEFORE work begins

1981. The Midden 13(3):



Russel, N., Simonsen, B. 1981. Former provincial archaeologist explains why he quit. The Midden 13(5), p. 3:

- Needed a change
- Felt that the government simply didn't have the care for heritage that the branch has
- Inadequate legislation
 - "When it came to the crunch, we simply didn't get the back-up."
- Boils down to a lack of govt commitment
- Says he will still be helping BC govt make province wide heritage plan

Bernick, K. 1983. *Congress message: Archaeology must go public. The Midden 15(4), p. 4-5:*

- Mainly: “technical” archaeological writing is very important but archeologists must make their results accessible to laypeople as well
- As well as the responsibility of archaeologists to maintain public relations

1985. *The Midden 17(1):*

HCB annotates bibliography

An annotated bibliography of all permit and non-permit archaeology reports on file with the Heritage Conservation Branch is now computerized. Printouts of entries for particular sites (regions, etc.) are available free of charge. Direct requests to Provincial Archaeologist Art Charlton.

Stevenson, A. 1986. *New heritage legislation: The need for a public forum. The Midden 18(3), p. 2:*

- Talks about action being taken by the federal government (Marcel Masse and federal department of communications) to protect heritage including reviewing the import/export act and the ongoing need for broader federal heritage protection legislation.
- Also talks about need for:
 - Moratorium on export permits to halt illicit artifact export until new legislation can be passed
 - Promoting public awareness

1986. *The Midden 19(1):*

1986-32 Grant Keddie (BCPM): salvage excavation of human remains at *DeRt* 9, Hibbins Close, Victoria.

1987. *Victoria announces heritage legislation review. The Midden 19(2), p. 6:*

- BC govt initiates formal review of heritage legislation
- Project pride
 - Effort to integrate public input

Bernick, K. 1987. *Project pride hearings AND The prehistoric presence in British Columbia. The Midden 19(3), p. 3-6:*

Project Pride:

- “Several common themes emerged: present heritage legislation is ineffective; government funding is insufficient; and the Heritage Conservation branch is understaffed; training, conservation and display facilities are inadequate; heritage conservation in B.C. should be inclusive. (No mention of Indigenous people)

Prehistoric presence:

- Presentation that expresses concerns with inadequacies of HCA
 - import/export of artifacts continues in spite of useless federal legislation
 - BC is at the centre of this problem with the highest density of artefacts (I guess?)
 - Currently HCA protects “designated” objects only
 - Archaeological material tells us more when studied in context
 - BC has responsibility of being trustee for artifacts ensuring that ones on BC or private land are not exploited
 - HCA has no meaningful penalties
 - Again, most/only protection afforded to “designated” sites
 - Federal land totally unprotected
 - Pothunting must be established as a criminal offence with clearly spelled out, severe penalties
 - All archaeological sites should fall under automatic protection
 - “Minimal fines for willful damage to BC’s prehistoric heritage are not good enough.”
 - Needs include, more public liaison, better guidelines, more volunteers, liaison with local law enforcement and other government authorities, adequate CRM staff and adequate funding
 - Proposal to add funding for helping with small scale private mitigations. For example, 5,000 dollars and then matching an additional 2,500
 - BC should recognize people who protect cultural heritage. By returning artefacts for example.
 - BC should make some sites into opportunities for tourism (not sure about this one)
 - Province should retain ownership of sites with “provincial significance”

1987. *The Midden 19(5)*:

Victoria takes one step forward . . .

THE PROJECT PRIDE Task Force recently completed its report—an impressive 81-page document that recognizes the importance of heritage in British Columbia. If the government acts on the recommendations, B.C. will have excellent heritage legislation.

Archaeology would fare very well—automatic protection by law of all prehistoric sites, stronger penalties for infraction of the Heritage Conservation Act, ownership of prehistoric artifacts to be assigned to the Crown in trust.

Involving native Indians, in decision making as well as in practical tasks of heritage conservation, figures prominently in policy recommendations.

The Task Force, which drew on 388 public submissions and several consultant reports, broadened its original scope to include movable objects, museums, archives, and scenic heritage.

The report suggests developing a three-year Heritage Plan for the province, creating a provincial heritage advisory board, and negotiating with the federal government to amend the Cultural Property Export and Import Act. It notes the need for guidelines for managing palaeontological resources and

historic shipwrecks, trails, and cemeteries, as well as an Archaeological Site Management Plan and increased staff at the Heritage Conservation Branch. There are numerous other recommendations for legislation, policies, and programs.

Pretty heady stuff. The trick is to remember that at present it's only a submission to the government. Bill Reid, Minister of Tourism, Recreation and Culture, has promised to review the report and “begin the process of developing proposals for cabinet consideration as soon as possible.” We hope he'll go with the whole package—how better for the minister in charge of heritage to serve the interests of British Columbia!

Meanwhile, I think he could use some encouragement. We owe the Task Force members more than a simple thank you—we need to see the job through. The address is: Honourable Bill Reid, Minister, Ministry of Tourism, Recreation and Culture, Parliament Buildings, Victoria, B.C. V8V 1X4.

Write today. □

- Kathryn Bernick

Copies of the Project Pride Task Force report are available from the Heritage Conservation Branch.

1988. *The Midden* 20(3):

Lack of trust is shortsighted. In its own interests and in the interests of its mandate to preserve heritage resources in British Columbia, the government should eliminate confidentiality clauses from contracts for archaeological work. We need more publicity, not less. People who are not provided with information about their heritage are not likely to recognize the need to protect it, or respect the laws forbidding its destruction. □

- Kathryn Bernick

Letter to the Editor:

Response to Carol Dolman (*The Midden* 20:2:2) re. cancellation of the Regional Advisor Program.

Cancellation of the Regional Advisor Program by the Heritage Conservation Branch in 1987 has been an issue of great concern to the ASBC. Regional Advisors were intended to serve as communication links between local communities and the Heritage Conservation Branch and monitor archaeological and historical sites. Upon enquiring about the cancellation of the program, we were told that as the Advisor program matured its members gradually lost touch with both the heritage community and the needs of the general public.

The ASBC is very concerned that at present there is no system for monitoring local prehistoric and historic sites. We recognize that a communication system needs to be established to ensure that information is made available to citizens and groups throughout the province so

that deteriorating sites can be recognized, methods of mitigation understood, and assistance provided. We further recognize that direction must be provided and, in the case of prehistoric sites, protection.

If government won't take the lead, we are prepared to do so. But, there is no point in the ASBC attempting to take on such a huge task by itself. We are a small society and can best coordinate, facilitate, assist, and communicate with the other heritage groups that are established in almost all communities in the province.

It's my view that the protection of our heritage is a process that all of us should take part in. As well, we need to ensure that other heritage groups are equally aware of the existing void in local site protection. The ASBC is continuing to search for solutions to this issue. Perhaps by next year we will see some progress. □

Colin Gurnsey, President
Archaeological Society of British Columbia

Also in this issue: Ottawa reviews heritage legislation

- Problems include compatibility of federal and provincial legislation, native peoples concerns and the government's commitment to financial restraint

***Bernick, K. 1988. Time to educate politicians! The Midden* 20(4), p. 1:**

- Continues discussion of federal legislation
- Federal government discussion finds several current weaknesses in heritage legislation:
 - Lack of knowledge and resource base
 - Inconsistent and often ineffective impact assessment by the several govt agencies responsible
 - Varying conservation requirements, according to resource type and geographic region
 - Inconsistent regulations for permits to conduct fieldwork
 - Lack of legislation to control inter-provincial traffic in artifacts
- Ends by saying the government's current fiscal policies basically do not allow any money to be allocated to heritage management

***Bernick, K. 1988. Confidentiality clause must go. The Midden* 20(5), p. 1:**

Lack of trust is shortsighted. In its own interests and in the interests of its mandate to preserve heritage resources in British Columbia, the government should eliminate confidentiality clauses from contracts for archaeological work. We need more publicity, not less. People who are not provided with information about their heritage are not likely to recognize the need to protect it, or respect the laws forbidding its destruction. □

- Kathryn Bernick

Whose side are they on?

PLEASE TELL ME if I missed something.

In a letter to the editor published in the February 1989 *Midden* (Vol.21:1:2), Brian Apland defends confidentiality clauses on the grounds that the Archaeology Branch has "a responsibility to protect the ownership rights to information"—for British Columbia taxpayers.

Protect from whom?

Am I so naive that I cannot see the bad-guys lurking in the 'shadows waiting for an opportunity to gobble up archaeological information, or is this mere rhetoric on the part of Mr. Apland. Exactly how would such knowledge be used against the public good?

Assume, for example, that The Enemy eluded the ever-watchful Archaeology Branch staff and seized some morsels (a half dozen radiocarbon dates, a couple horizons, three phases, and a list of fish species that may or may not have been someone's dinner 2,000 years ago.) What would they do with that information?

If Apland knows of a market for such data, it behooves him to tell us about it. A legitimate and honorable source of money would be useful to help fund archaeological projects. If it's unscrupulous, public awareness is the only sure way to overcome.

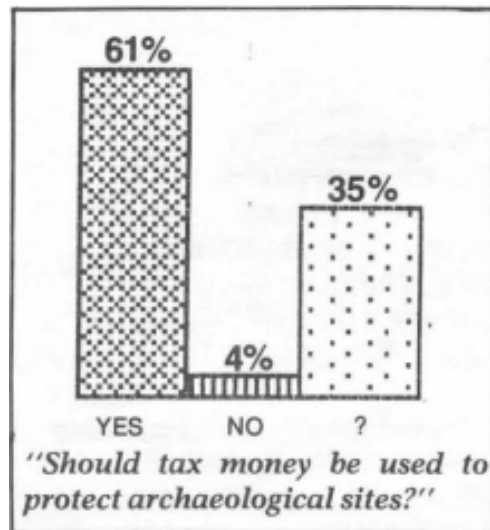
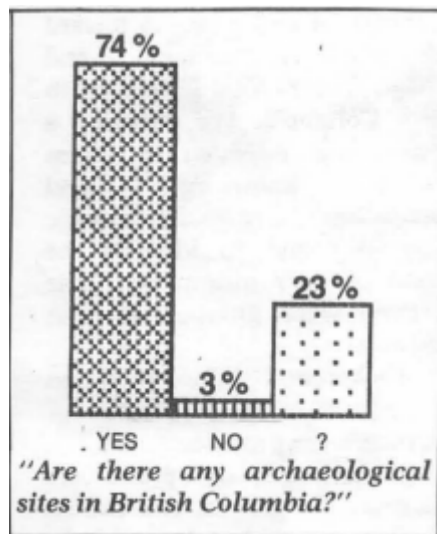
Instead of chasing phantoms, the Archaeology Branch should be worrying about the market in antiquities, which is alive and thriving in this province. Classified ads seeking to purchase arrowheads, trade beads, and other Indian artifacts appeared a few months ago in Vancouver papers, and according to rumor, a dealer has just opened a shop brazenly called "The Pothunter." All perfectly legal. Good money for archaeological artifacts, no questions asked.

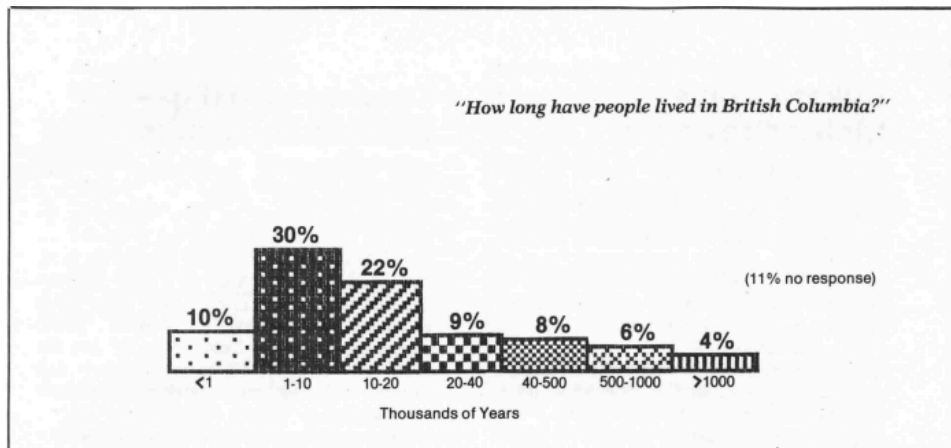
Shouldn't the government be clamping down on unethical trafficking that encourages looting and destruction of information, rather than muzzling archaeologists?

- Kathryn Bernick

Mason, A., Feddema, V., Hayles, D., and McFarlane, L. 1989. *Archaeology: fascinating, but what is it?* *The Midden* 21(5), p. 1-3:

Results of Vancouver poll on Archaeology and Heritage Resource Management:





Bernick, K. 1990. *A promising proposal. The Midden 22(1), p. 1:*

- New heritage legislation being written (provincial)
 - NEW LEGISLATION not amendment
- Automatic protection for pre-colonial sites
- Crown ownership/stewardship of archaeological materials
- Stiffer fines: 50000 for individuals, 1 million for corporations (same as it is now... and this now 35 years ago)
- Prohibition of trade of illicit antiquities
- Improving inconsistent and gendered language in legislation
- Improving public awareness
- Cutoff for "prehistory" 1858 at this point
- No mention of first nation input in this article

1990. *The Midden 22(3)*

Ottawa announces forthcoming legislation

FEDERAL LEGISLATION to protect archaeological resources is currently being drafted and, according to information released last month by the minister responsible, the Hon. Marcel Masse, it will be a vast improvement over the current state of affairs.

Highlights will include:

- non-retroactive government ownership of archaeological objects found on federal lands, except reserves;
- a resource management capability that would issue permits and certify professional fieldwork

and collections management, set standards for impact assessment, conduct emergency rescue, and select repositories and criteria for mandatory reporting of finds;

- special provisions regarding burial sites;

• amendments to the *Cultural Property Export and Import Act* giving the review board the power to deny a permit for permanent export of archaeological objects, without compensation;

- amendments to the *Canada Shipping Act* to deal with archaeological wreck;

- restricted information on site

location when necessary to protect the resources;

- public involvement and official recognition for reporting archaeological discoveries;
- enforcement powers and penalties for offenses.

A newly created Office for Archaeological Resource Management will oversee the process of enacting the legislation, expected late this year, and subsequently will set up the new programs and policies. □

Bernick, K. 1990. Fraser Valley archaeology headed towards oblivion. *The Midden* 22(5), p. 1-2:

“As recent municipal elections in Delta and Richmond clearly demonstrated, environmental lobby groups have political clout. Archaeological issues seldom make headlines or sway votes.”

- Includes talk of Marpole site’s destruction due to lack of concern for archaeology and how the last remaining bits are threatened by a hotel’s development
- Talks about Musqueam’s desire to acquire the site and develop a “world-class cultural centre devoted to the study, preservation and sharing of the traditions, heritage and culture of [Musqueam] people.”

Brian Apland. 1990. The Archaeology Branch. *The Midden* 22(5), p. 3-4:

“British Columbia has a long and diverse human history spanning more than 12,000 years. Our only link to 99% of that history is locked in archaeological sites. It is a tenuous link, and the stories each site holds can only be extracted through the painstaking and sophisticated science of archaeology. We lose major chapters in that story when archaeological sites are destroyed by natural erosion, industrial or private development, or by the uneducated actions of illicit relic hunters.”

- Goes on to say that we can’t do much about natural site loss, but we (archaeologists) can influence the loss of archaeological materials caused by people.
- Talks about legislative history of archaeology in BC: first act passed in 1925 followed by the 1979 HCA.
- Arch branch founded 1988, preceded by the Archaeology Programs Section of the Heritage Conservation Branch (77-88), and before that the administrative arm of the Archaeological Sites Advisory Board (71-77).\

“The Resource Management and Resource Information programs of the Archaeology Branch are designed to provide an effective mechanism through which archaeological sites can be properly managed. Increasing our understanding and appreciation of BC’s prehistoric and historic cultural development is the basis of our mandate.”

- Talks about how the site inventory system came into existence in the early 60’s and was the first of its kind in Canada. At this point, there are 18,000 recorded sites.
- 1970’s - Federal govt began the Canadian Heritage Information Network. BC was first to join.
- At this point (1990), an Arch Branch staff member is the coordinator of the National Archaeological Sites Data Base Working Group.

“The Archaeology Branch’s resource management program [...] enables the Branch to monitor sites making sure nothing is altered without good reason.”

- Also talks about the Branch’s role in reviewing major developments to prevent unnecessary damage to sites

“In 1989, more than 1700 small scale developments were reviewed, and 121 permits to conduct archaeological studies were issued.”

- Talks about the branch's cooperation with the Forest Service to protect heritage trails on crown lands.
 - I wonder how many traditional trails intersect modern-day Uvic?
- Talks about inter-agency cooperation with the Ministry of Transportation and Highways who share their plans with the Branch for review on an annual basis.
 - Cooperation is great, in the case of Tsawwassen as mentioned by Apland though, I think that this case is advantaged by perhaps having been more thoroughly surveyed than Uvic... in other words, I guess you could say Uvic or any other University for that matter, could share their development plans annually with the Branch, but if surveying has not revealed any sites, the protection/cooperation is redundant.
- Finally, Apland addresses public education as the "most effective vehicle for ensuring long-term site management and protection. A poster with the theme *Listen: the stones are speaking* is now available along with a general introductory brochure. Over the next few years, we hope to gradually make available a series of theme-specific brochures discussing the many different types of archaeological sites found throughout the province.
 - In this day and age, archaeologists in BC, the Branch, etc. still grapple with a lack of public education and outreach. Thinking about it more and more, it occurs to me that the Branch is at least a decade behind the times in this regard.

Bernick, K. 1991. Review of federal and provincial bills. The Midden 23(2), p. 10-12:

- Bernick discusses the "white paper on heritage legislation" introduced by both Canada and BC.
- Federal: "Proposed Act respecting the protection of the archaeological heritage of Canada"
 - Would apply to public lands under federal jurisdiction, Indian reserves and the Yukon and Northwest territories.
 - Not national parks, heritage protection would still be managed by the Canadian Parks Service under the Dept of Environment.
 - The proposed bill seems to "suffer from brevity and oversights that could seriously jeopardize its efficacy."
 - Could be very effective in some jurisdictions, but due to dispersal of funds between many ministries and crown corps, in others could lead to "mountains of paperwork and a bureaucratic nightmare."
 - Bill to provide a list of protected artifacts, burials, wrecks, specimens and sites and protected classes of these resources
 - Artifacts: "objects made or used by human beings and discarded, lost, or abandoned 50 years ago or more.
 - In my opinion, stolen could be added here.
 - Conflict with provincial legislation could lead to higher administrative costs
 - I see this as one of the major public disapprovals of provincial archaeological work
 - "Discovery of a burial will require one to notify the land manager and the Minister of Communications, to treat it with dignity and respect, and to refrain from disturbance until the land manager and a representative of the deceased agree on final deposition."
 - Gives no time frame (federal govt is slow)

- If a previously unknown protected resource is discovered, the federal bill would require the notification of two Ministries to then issue a stop-work order that could last from 14 days to forever.
 - Pretty unclear, starting to see perhaps why this didn't gain traction in the house
- Permits to conduct archaeological work would need to go through two federal ministries, this would lead to more paperwork and admin costs, but may alleviate the work of BC archaeologists
- Artifact ownership - crown owns all protected artifacts on public lands.
 - Also "prohibits acquisition of archaeological artifacts that a person knows were obtained illegally."
- Trafficking - "Inter-provincial transport of archaeological artifacts will be legal only if it is legal in the province of origin and the transporter has provincial authorization." Disallows permanent export of artifacts.
- Enforcement - "Up to \$2,000 and/or 6 months imprisonment; indictable offences, up to \$1,000,000 and/or 5 years. Each illegal artifact and each day of contravention could be cited as a separate offence. The proceedings would be initiated by ticketing."

- Provincial: "Draft Heritage Conservation Act"
 - Addresses need for "new law" not just rehashing of old legislation
 - Bernick: "Bill seems wordy and somewhat repetitious." also suspects that it "will help enforcement by emphasizing the intent of the law and removing legal loopholes that plague the current version."
 - Material pre-1858 would be automatically protected, designation is the only other way to achieve maximum protection
 - "Ownership of 'burials' and 'grave goods' (neither term is defined) will be imprescriptibly and inalienably vested in the native people of B.C. Automatic protection?"
 - "Upon finding evidence that land might be legally protected, one will have to immediately stop digging and notify the minister who in turn must decide how to proceed within 72 hours. The minister could issue a stop-work order prohibiting further alteration for up to 120 days." -> gives a good chunk of time to conduct arch investigation/salvage.
 - Permits will exist under this act to either inspect or investigate sites (AOA vs AIA) - work must be quick, developers may be ordered to pay, permits required for research, searching, and removal of artifacts.
 - Artifact ownership - all pre 1858, including things acquired before the enactment of this bill are considered property of the Crown. Burials and grave goods owned by FN. Any Indigenous organization may apply for artifacts that once belonged to their ancestors to be returned
 - Trafficking - illegal to sell, trade, or offer illegally acquired artefacts in BC, or ones protected by any other province, federal govt or nation. Can only sell things that are proven to have been acquired legally. Can sell to approved repositories. BC artifacts can only leave the province with written consent of the minister.
 - Enforcement - "Up to \$50,000 and/or 2 years imprisonment. Corporate offences could bring a \$1,000,000 fine. There are provisions for property expropriation (with compensation) and for confiscation of illegally held artifacts.

- Bernick emphasizes the importance of consistency between federal and provincial legislation to reduce paperwork, costs and risks of confusion when sites may exist in both or across federal and provincial jurisdictions.

Bernick, K. 1991. Federal bill needs work. The Midden 23(3), p. 9:

- Canadian archaeologists say the new federal permitting system in the proposed bill is too complicated with too many restrictions. They also don't like that Parks Canada is not included in this legislation
- Departments worried about the cost of administering this programme.
 - How would it interact with the federal Environmental Assessment Act?
- Indigenous leaders' concerns: "ownership, jurisdiction, and control of archaeological resources; involvement of Native elders; the need for respect in dealing with aboriginal objects; the limited scope of the proposed legislation, which deals with archaeological resources but not other aspects of aboriginal heritage. The symposium also suggested that archaeologists subscribe to a code of ethics."
- Elizabeth Snow thinks the amendments will proceed despite some cabinet shuffling

Apland, B. 1992. Archaeological site protection. The Midden 24(3), p. 5-7:

- Legislation currently under review since 1988 with Project Pride (similar to today's method of survey prior to HCATP)
- First legislation to protect sites was made before BC joined Canada.
- 1865 - Indian Graves Ordinance; offence to "steal...cut, break, destroy, damage, or remove any image, bones, article, or thing deposited on, in or near any Indian grave in this Colony, or induce or incite any other person or persons to so do, or purchase any such article or thing...knowing the same to have been so acquired or dealt with."
 - Considered necessary to address widespread theft and vandalism of burials.
 - Repealed in 1886 by federal govt
 - No record of complimentary repeal in BC
- 1925 - Historic Objects Preservation Act (HOPA); first BC legislation for the protection (mainly) of petroglyph and pictograph sites which "had caught the fancy of the Provincial Secretary."
 - "It has been found that from time to time some unscrupulous persons have defaced portions of these most interesting and historic carvings.
 - By the end of the 1940's HOPA had designated 10 "rock art" sites
 - Questionable protection; eg Petroglyph Park in Nanaimo
- 1950s - pivotal decade in the movement to recognize and protect archaeological resources throughout the province.
 - Wilson Duff began expressing concern for the protection of sites near major hydroelectric projects spanning all across BC
 - He sends memorandum to W.T. Straith, the Minister responsible for the BC Museum, forwarded it to the Minister of Lands and Forests who is very sympathetic to the cause of "the preservation and salvage of threatened archaeological sites of man's [sic] occupation of the country." even saying doing so was desirable.
 - He set up the Comptroller of Water Rights with the Provincial Museum so they could be informed of any sites within the flood zones of these projects.

- D. Leechman then comes in with a reply “on the federal front,” saying that legislation should try to be passed to protect heritage in BC because he has been talking to some (important?) people about it.
- Charles E. Borden chimes in: he is also in support of legislation
 - Four crucial objectives:
 - Protection of archaeological sites from abuse
 - The need to make some sites permanent monuments
 - Regulation of the activities of “outside archaeologists”, and most urgent,
 - Provision for the investigation of sites threatened with destruction by development.
 - This may have led to the first CRM project in BC (possibly Canada; the Nechako Reservoir study in Tweedsmuir Park.
- Duff contacts Minister of Lands and Forests to set it up, enclosing another memorandum which “summarizes the situation and outlines the steps necessary to meet this emergency.”
- He then establishes a partnership with the museum wherein trained university students help carry out field work and museum personnel would carry out complementary studies and publish the results.
- Grants needed for funding
- ALCAN funded Tweedsmuir
- Tweedsmuir and excavation of Marpole site for Fraser Arms Hotel raised public interest in protecting sites
- For years, no legislation was enacted as public outcry and outrage grew.
- 1960 - Archaeological and Historic Sites Protection Act (AHSPA/1960) was enacted.
 - Protected rock art, “any Indian kitchen-midden, shell heap, house-pit, cave, other habitation site, cairn, mound, fortification, or other structure, or other archaeological remains **on Crown lands**, whether designated as an archaeological site or not.”
 - Does the crown lands only modify “other archaeological materials” or does it also affect all the other things previously listed?
 - Are the lands owned by the University of Victoria (govt institution) crown or private?
 - Ineffective enforcement, but amazing intent, suddenly so many sites were automatically protected
 - Radical idea at the time - he says sometimes, to some still radical today
 - Passed unanimously, like previous legislation on heritage
 - Also created the sites advisory board which held its first meeting august 5th 1960, meeting 11 times officially throughout the 60s
 - Who was on the board and what were their ties to Uvic?
 - Archaeology in BC was coordinated and regulated by them
 - Called to attention midden abuse in Campbell River, Nootka Sound, and Zeballos.
 - The first official permit, issued in 60-61 near Chase led to the discovery that the new legislation was ineffective on reserves (federal land)
 - Unclear to this day (1992) if BC permits are valid on federal land
 - Major funding issues, 7k budget, increased to 15k by 1970
 - Province wouldn’t hire provincial archaeologist
 - ASAB ended up partnering up with Museum, UBC and later mainly Uvic

- Then there's Hydro and Transportation partnering as well
(much of the rest of history in earlier issues of Midden noted above)
- ASAB critical in getting BC to hire a provincial archaeologist
- Quickly, provincial archaeologist found he had to be “everything to everybody.”
- 1972 - amendment to 1972 saw shipwrecks included and the addition of heritage designation (not just sites)
 - A coma was added that caused legal ambiguity about site protection on private land
 - For heritage designated sites, the Minister would have to pay the land owner if this designation saw the value of their land diminish.
- 1977 - HCA
 - Removed “other site or object” and “mounds” categories
 - Petroglyphs, pictographs, burial places, and skeletal remains were now required to be of “historical or archaeological” significance
 - Who gets to chose
 - What are the criteria
 - How does that change over time
 - Cairns had to be of Indigenous construction
 - Clarified COMA issue
- 1980s - focus on environmental protection to effect CRM
 - The Branch developed ties to the Energy Project Review Process, Mine Development Steering Committee, and Major Project Review Process. Also the ministry of transportation and highways, BC coroners office, and many others
 - The approach led to Archaeological Resource Impact Assessment and Management processes throughout 80s.
- 1990s - new legislation on the table, don't screw this up, government!

1994. *The Midden* 26(2), p. 1-2.

Draft guidelines for ethical conduct pertaining to aboriginal heritage research and communication:

- Recognizes a “direct link” between indigenous people in Canada and archaeological resources
- Acknowledges the diversity of both past and present Indigenous cultures
- Recognizes the authority of Indigenous individuals and leaders
- Validates oral history and traditional knowledge in the “interpretation and presentation of history and traditions” of Indigenous people in Canada.
- Guiding principles:
 - Consultation
 - At appropriate levels throughout all stages of investigation
 - Informed Consent
 - Sacred Sites and Places
 - Intangible heritage
 - Burial sites and remains
 - Indigenous communities entirely in charge of what happens here
 - Aboriginal involvement in Archaeology
 - Again, in all stages of investigation
 - As well as all aspects!
 - Communication and Interpretation

- Most importantly, results need to be conveyed to Indigenous stakeholders in a “timely and accessible manner.” Before, during and after research.
- Respect for and inclusion of oral traditions in results

Patenaud, V. C. 1994. Site protection at the grass-roots level. The Midden 26(5), p. 2:

- New provincial bill passes most of heritage protection responsibility onto the shoulders of municipalities
- Biggest problem in this case is the lack of comprehensive inventories
 - Artifacts finds in the region of Patenaud’s museum (Maple Ridge) indicate a far more comprehensive use of land than suggested by the provincial database of sites
 - Some of the most mesmerizing and unique BC artifacts have come from unrecorded sites - ie many stone bowls
- “How can we protect what we cannot prove exists?”
 - Compounded by conservative development focus of most municipalities - where will the money come from?
- The second biggest problem is lack of support from the community, both conscious and unconscious.
 - The public tend to be more aware of historical heritage sites of the last 100 years
 - When the public is well informed, we can end up with cases like Hatzic Rock, where the community rallies behind a site’s potential and protection.
- Third problem: “How do we promote the value and potential of buried sites when, to protect them, we must keep their nature and location a secret?
 - Also how do we make something underground exciting anyways?
 - Marry archaeological and environmental awareness- protection of watersheds + ancient human use of and effect on these watersheds
 - Multi-site focus
- A community’s most powerful ally in cultural heritage management and protection: local native bands
- Call to action: archaeologists must join and represent cultural heritage within their own local heritage and historical societies which often ignore the history hidden beneath our feet.
 - This article seems to put a finger on the pulse of concerns... has anything changed?

Apland, B. 1997. Heritage Conservation Act - Enforcement. The Midden 29(4), p. 3-4:

- The response of the Branch to contraventions of the Act isn't always necessarily what the public expect
- Legislation
 - New amendments as of 1994
 - Replaced the limited list of archaeological site types noted in previous legislation with a clause that covers all archaeological sites pre-dating 1846 (section 13(2)(d))
 - Provided specific requirements for obtaining inspection and investigation permits (section 14)
 - Made orders and regulations under the Act binding on the Crown (section 5)
 - Provided for all matters affecting inspections and investigations permitted under the HCA to prevail where conflicts may arise with other legislation (section 6)

- Significantly, increased penalties for transgressions of the HCA (section 36(2))
- This did something, as 1995 saw a 66% increase in applications for permits. Up from 8 and 10% the years before
- To date (1997) only conviction occurred in 1972 using the AHSPA so the fine was only 300 dollars (max could have been 500)
- This led to the belief that in the unlikely event of being caught, contravenors could expect that chances of conviction were low.
- '94 Amendments raised the levels of penalties, eliminated the word “knowingly”, and extended protection to all the kinds of sites

Leo, L. 1998. 7th annual BC archaeological forum (hosted by the Mount Currie Indian Band & Creekside Resources Inc.). The Midden 30(2), p. 2:

- Shares how managing the archaeological record intersects with Indigenous title, rights and interests
- Archaeological resources have to be considered in BC forest management practices
- This brings the opportunity for archaeologists to collaborate with FN and make joint agreements
- Conflicts over forestry land can be used as a path for archaeologists and FNs to develop a positive working relationship based on mutual respect, recognition and a commitment to reconciliation.
- Help govt realize that conflict isn't necessarily bad as it can lead to redefinition of relations with FN govts
- Goes on to speak on the success of Creekside Resource Inc (Created by Mount Currie Indian Band) and about an upcoming forum

Spurgeon, T. 1998. Proposing a coordinated archaeological site protection program for BC. The Midden 30(4), p. 2-3:

- HCA has a low public profile
- Obviously no enforcement
 - Intentional non-compliance
 - Cost of doing business
 - Police are overloaded and do not have time to focus on HCA contraventions
- Education, monitoring, detection and enforcement must catch up to legislation
 - This lack “perpetuates an out of sight, out of mind, approach to heritage legislation.”
 - “Essentially condones regular violations of the HCA.”

Also in this issue, on page 1:

More About Archaeological Site Protection

In an earlier *MIDDEN* editorial (Vol. 29/4), we expressed concern about the destruction of an archaeological site in Maple Ridge, and raised the question whether the current heritage legislation is adequate. Now, as reported in the newspaper article printed below, the Crown has decided not to prosecute the perpetrators because they were not caught red-handed. Clearly, the protection of archaeological sites in this province is in jeopardy.

In an editorial article on the following pages, ASBC Vice President Terry Spurgeon proposes a coordinated site protection program.

From: Maple Ridge/Pitt Meadows News, Sunday, February 7, 1999, page 3

CROWN STAYS CHARGE IN CASE OF BURIED NATIVE FISHING SITE

BY ROXANNE HOOPER
STAFF REPORTER

A local couple was scheduled to go to court this week to face charges of destroying a 3,000-year-old native fishing site.

But due to a lack of evidence, the charges have been stayed against Stephen and Ann Telep, as well as David Laird and his company Damax of Vancouver, said Crown prosecutor Sharlein Smith. They were originally charged following the construction of several homes north of Dewdney Trunk Road, along the east side of Meadow Gardens golf course and of Telep Avenue.

They were charged under the Heritage Conservation Act, accused of moving or disturbing a designated heritage site between May and October of 1997.

But those charges were stayed because there's no evidence to prove the offence occurred during that time frame, Smith said. It was suggested that damage to the site could have been caused more than a decade earlier when a large portion of the Telep homestead was leveled for development.

Further, she noted that the accused were only responsible for bringing more fill into

the site, which it was argued did not damage or destroy an archaeological site that was already buried.

The site was identified during an archaeological study completed in 1981, at which time a variety of artifacts were found amidst what appeared to be large mounds of dirt. It was determined that the mounds were remains of a garbage dump used by the native people of the day.

About a year later, it was concluded by the archaeologist that the site was a late autumn fishing camp that was populated some time around 1500 B.C. by members of the Locarno Beach native culture. It was subsequently identified as a protected heritage site that would likely be fully excavated by a team of archaeologists.

At the time that the Teleps and Laird were charged, the Crown argued that it was a valuable archaeological site.

Prior to subdivision of a large property north of Telep Avenue, the Telep family lived on the site for about 50 years. Stephen and Ann Telep still live on a section of the former homestead, near the native fishing site.

2003. The Midden 35(2):

Remote Access to Archaeological Data

RAAD is a web based application that enables authorized users to view, select, and download information about archaeological sites in British Columbia. Users can browse the data for specific site information using the online mapping and query utilities and download the information they want in a variety of data formats. The primary purpose of RAAD is to serve clients who require archaeological information on a frequent basis for land use planning or impact assessment projects. Examples of such clients include: archaeological and environmental consultants, federal and provincial land use planning agencies, regional districts, municipalities and first nations. For more information visit: <http://srmwww.gov.bc.ca/arch/RAADintro.html>.